compulsorily acquired. There is a difference between land compulsorily acquired and land which is acquired by negotiation. When land is compulsorily acquired there has to be an arbitrator, unless the parties mutually agree on a price. No Act that I know of relating to values refers to current values. When the Minister was introducing the Bill I asked him particularly what he means by current values, and he replied, "values ruling at the time of the acquisition." Surely, therefore, there is no harm in inserting that meaning in the Bill with the appropriate words.

The Minister keeps telling us that the situation is covered in the Public Works Act, but if it were there would be no need to have section 37 in the parent Act which this Bill seeks to amend.

When this town planning scheme legislation was originally drafted, the draftsmen saw fit to insert section 37, which deviates from the Public Works Act slightly, because it contains the words "notwithstanding anything contained in the Public Works Act" such and such will prevail. To make sure the court understands the intention of the Act the words in the amendment should be inserted.

The Hon. L. A. LOGAN: To put Mr. Strickland on the right track I would point out that section 37 was inserted in the Metropolitan Region Town Planning Scheme Act because in the Public Works Act a town planning scheme was not defined. That is the only reason why the words "notwithstanding anything contained in the Public Works Act" are inserted in this legislation.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 9.34 p.m.

Legislative Assembly

Wednesday, the 9th October, 1963

CONTENTS

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

AUDITOR-GENERAL'S REPORT

Tabling

THE SPEAKER (Mr. Hearman): I have received from the Auditor-General a copy of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1963. It will be laid on the Table of the House.

QUESTIONS ON NOTICE

CLOVER PADDOCKS

Application for Certification and Officers Employed

1. Mr. GAYFER asked the Minister for Agriculture:

(1) How many officers are in the Department of Agriculture who are qualified to certify paddocks of clover for gathering and sale?

(2) How many applications have been received this year to have paddocks certified and how many acres are involved?

(3) Has it been possible to deal with all requests for certifying at the correct time those understood to be at the "flowering stage"?

(4) If not, in view of the importance of the clover gathering industry to the State and the increased acreages being sown for gathering, is it the intention of the Department of Agriculture to put more officers in the field to cope with these requests for certification of paddocks?

Mr. NALDER replied:

(1) Graduate officers of the Department of Agriculture with training in botany are capable of carrying out certification duties. Certification of clover paddocks for gathering is only carried out by professional officers with these qualifications. This work is carried out chiefly by officers of the weeds and seeds branch with assistance as required from other qualified officers. The number varies but as many as 10 may be engaged on this work.

(2) Applications for certification close each year on the 20th August, and at that date 654 applications had been received this year. The acreage involved depends on the results of inspection, and therefore cannot be stated with accuracy at this stage.

(3) In all cases where inspections have been made for certification they have been made at a growth stage suitable for authentic identification. Some clover varieties can be identified at stages other than the flowering stage.

(4) No. All applications received by the due date are assured of inspection for certification and so far as possible late applications will be covered; but the latter cannot be guaranteed, especially where districts have already been inspected.

COAL

Announcement of New Contracts

2. Mr. H. MAY asked the Minister representing the Minister for Mines:

(1) Will he inform the House when a statement can be made regarding the new coal contracts as promised on the 17th May, 1963, when he advised a deputation that—

> "As soon as the Government has determined what it should do, having had an opportuntiy to give consideration to your views, we won't hesitate to announce as early as possible, what the future contracts will be"?

(2) In order to allay the fears and anxiety caused by the fact of no announcement being made up to date, will he make an announcement forthwith in connection with this matter?

Mr. BOVELL replied:

(1) and (2) It is anticipated that the contracts referred to will be finalised within a week.

ROAD FUND ALLOCATIONS

Departmental Approval of Local Authority Nominations

3. Mr. HART asked the Minister for Works:

(1) Is it now the policy of the Main Roads Department to approve the roads nominated by the local authority upon which general allocation funds are to be spent before approval of expenditure is given?

(2) If so, how long has this policy operated?

Mr. WILD replied:

(1) Yes.

(2) For many years.

ACCESS ROADS

Proposed Works: Discussions With Local Authorities

4. Mr. HART asked the Minister for Works:

(1) Are proposed works on access roads in new areas discussed with local authorities prior to commencement?

(2) Is it realised that access roads to new areas have to carry heavy loads immediately the land is occupied?

Mr. WILD replied:

(1) Yes.

(2) Adequate access roads are provided to new settlement areas. It has been recorded that these early access roads have been subjected to excessive axle loads.

JARRAHDALE-KWINANA RAILWAY

Cost of Construction and Servicing

5. Mr. HART asked the Minister for Railways:

(1) In connection with the Jarrahdale-Kwinana railway, what was the total cost of construction including survey and planning?

(2) What was the cost of special locomotive and rolling stock provided to service this line and project?

Mr. COURT replied:

(1) At the present time costs are incomplete but they are estimated to be £1,042,000.

(2) Locomotive, £106,500.
Wagons, £210,000 for 24.

JUSTICE OF THE PEACE

Appointment of Salvatore Franchina: Tabling of Papers

6. Mr. OLDFIELD asked the Premier:
Will he lay upon the Table of the House all papers connected with the recommendation for Salvatore Franchina of 217 Beaufort Street and 199 William Street, Perth, to be appointed as a Justice of the Peace?

Mr. BRAND replied:

No. Papers associated with nominations for appointment as Justices of the Peace are treated confidentially.

7. *This question was postponed.*

WATER RATES

Rebate and Excess Charges

8. Mr. W. A. MANNING asked the Minister for Water Supplies:

What is the charge for—

(a) rebate water;

(b) excess water;

for each of the following towns:—

Collie;

Narrogin;

Pingelly;

Katanning;

Wagin?

Mr. WILD replied:

	Per thousand gallons
	s. d.
(a) Collie	4 0
Narrogin	4 0
Pingelly	4 0
Katanning	2 6
Wagin	2 0

(b) Excess water:

	Domestic Per thousand gallons	Other than Domestic s. d.
Collie	1s. 6d. per 1,000 gallons for first 20,000 gallons and 1s. 3d. per 1,000 gallons thereafter	1 6
	s. d.	
Narrogin	2 6	2 6
Pingelly	2 6	2 6
Katanning	2 6	2 6
Wagin	2 0	2 0

WAGES: UNDERPAYMENT

Prosecutions

9. Mr. FLETCHER asked the Minister for Labour:

(1) Will he make available to the House the total known figure of underpayment of wages by employers against whom proceedings were taken for recovery during the years 1960-61, 1961-62, and 1962-63?

(2) What number of employees was affected?

(3) What number of employers was involved?

(4) What was the largest individual amount of short payment during each of the years mentioned?

Mr. WILD replied:

(1) to (4) This information is available in the *West Australian Industrial Gazette* issued by the Crown Law Department and published quarterly.

AGENT-GENERAL FOR WESTERN AUSTRALIA

Next Appointment

10. Mr. FLETCHER asked the Premier:
On the expiration of the present term of the Western Australian Agent-General, E. K. Hoar, does he consider the State might be better served in the next appointment being that of a Western Australian industrialist rather than a previous Minister of the Crown?

Mr. BRAND replied:

This is a matter that will be decided by the Government at the appropriate time.

11. *This question was postponed.*

FREMANTLE HARBOUR TRUST

Borrowings

12. Mr. TONKIN asked the Minister for Works:

(1) Since the passing of legislation authorising the Fremantle Harbour Trust to borrow money, what amounts have been borrowed and for what term and at what rates of interest respectively?

(2) Was brokerage payable in any instances?

(3) If so, how much, and with respect to which loans?

(4) What percentage charge is made in the accounts of the trust to cover sinking fund and depreciation requirements?

Mr. WILD replied:

(1) Loan No. 1—£100,000 for 40 years at 5¾ per cent.
Loan No. 2—£100,000 for 40 years at 5¾ per cent.
Loan No. 3—£150,000 for 40 years at 5½ per cent.
Loan No. 4—£25,000 for 40 years at 5½ per cent.
Loan No. 5—£35,000 for 20 years at 5½ per cent.
Loan No. 6—£15,000 for 18 years at 5½ per cent.

(2) Brokerage was payable on loans Nos. 1 to 4 inclusive at 5s. per centum. Loans Nos. 5 and 6, no brokerage.

(3) Loans Nos. 1 to 4 inclusive £937 10s.

(4) Percentage charges for sinking funds are:—
Loan No. 1—.92 per cent.
Loan No. 2—.92 per cent.
Loan No. 3—.92 per cent.
Loan No. 4—.96 per cent.
Loan No. 5—3.14 per cent.
Loan No. 6—3.73 per cent.

Depreciation charged is an amount to cover the actual life of the assets created by each loan.

DRIVE-IN THEATRE AT DARLINGTON

Establishment on Railway Property

13. Mr. DAVIES asked the Minister for Railways:

(1) Is he aware that a drive-in picture theatre has been established on railway property at the site of the Darlington railway station, and the first screening took place on the evening of Saturday, the 5th October?

(2) Is he aware that, in the preparation for the establishment of this theatre, earthworks took place at Darlington station and a building was removed from the station proper and placed at the end of the platform for use as a projection box?

(3) Will he ascertain the identity of the proprietors of the Darlington drive-in picture theatre, and establish whether their venture was authorised by the Railways Department?

(4) If, in fact, the establishment of a theatre on railway property was authorised by the Railways Department, would this not constitute a contempt of Parliament in view of the fact that the matter of re-establishing rail services between Koongamia and Darlington is currently under consideration by the House?

(5) What action does he propose to take to redress the matter?

Mr. COURT replied:

(1) Yes.

(2) Yes. As with several others, since the service on this line was suspended, the building had been damaged by vandals and was deteriorating rapidly. It was considered that if required at some future date it would be cheaper to replace it with a new building than to spend money to maintain it in reasonable order in the interim, particularly as it could not be kept under supervision. It was sold by tender in August and was subsequently purchased from the buyer by the Darlington Sub Branch R.S.L.

(3) Darlington Sub Branch R.S.L. which made formal application for temporary lease of land for a small drive-in cinema and received approval in accordance with section 63 (i) of the Government Railways Act.

(4) No. It was leased prior to the present parliamentary debate.

(5) Answered by No. (4).

Establishment: Health Department Sanction

14. Mr. DAVIES asked the Minister for Health:

(1) Is he aware that a drive-in theatre has been established on railway property at the site of the Darlington railway station, and the first screening took place on the evening of Saturday, the 5th October?

(2) Was the establishment of the theatre sanctioned by the Health Department?

Septic Sewerage

(3) Is the theatre septic sewered?

(4) If the answer to No. (3) is "No," will he inform the House whether it is a fact that the Mundaring Shire Council requires all places of public entertainment in its area to be septic sewered, and has in fact refused the West Australian Turf Club permission to use the Helena Vale Racecourse as the club has not yet installed septic sewerage?

Mr. ROSS HUTCHINSON replied:

(1) Yes.

(2) Yes; the establishment of the theatre was sanctioned, for 50 cars, by the Public Health Department, on a temporary basis, providing that no objection was raised by the Mundaring Shire Council. The sanction was limited to three months, it being understood that there would be one showing a fortnight, and that the venture might not justify permanence.

(3) Not at the moment, because it is not yet a place of permanent public entertainment. I am informed, however, that plans for septic tank installations are about to be submitted to the department.

(4) Yes; and the same requirement will apply to the drive-in theatre referred to above, should an application for long-term approval be received.

15. *This question was postponed.*

DRIVE-IN THEATRE AT DARLINGTON

Mundaring Shire Council Approval of Establishment

16. Mr. DAVIES asked the Minister representing the Minister for Local Government:

(1) Is he aware that a drive-in picture theatre has been established on railway property at the site of the Darlington railway station, and the first screening took place on the evening of Saturday, the 5th October?

(2) Was the establishment of this theatre approved by the Mundaring Shire Council?

Conformity with Local Government By-laws

(3) If the answer to No. (2) is "Yes," does the theatre conform with all the relevant local government by-laws?

Mr. NALDER replied:

(1) Yes.

(2) No.

(3) *Vide* No. 2.

LOCAL GOVERNMENT ACT: SECTION 158

Amendment of Subsections (5) to (12)

17. Mr. ROWBERRY asked the Minister representing the Minister for Local Government:

(1) Is it intended to have any amendments made to section 158 of the Local Government Act concerning the privilege of officers as designated in subsections (5) to (12) inclusive?

(2) Is it intended to extend these privileges to any other officer?

Mr. NALDER replied:

(1) Yes.

(2) Yes, to traffic inspectors.

ROYAL SHOWS

Official Openings

18. Mr. GRAHAM asked the Minister for Agriculture:

What was the official position of the person who opened the Royal Show during each of the last 20 years respectively?

Mr. NALDER replied:

1943-44—No Royal Show held.

1945—His Excellency the Lieutenant-Governor (Sir James Mitchell.)

1946—His Excellency the Governor-General (H.R.H. The Duke of Gloucester.)

1947—His Excellency the Governor-General (Sir William McKell.)

1948—His Excellency the Governor (Sir James Mitchell.)

1949—His Excellency the Governor (Sir James Mitchell)

1950—His Excellency the Governor (Sir James Mitchell.)

1951—His Excellency the Lieutenant-Governor (Sir John Dwyer.)

1952—His Excellency the Governor (Sir Charles Gairdner.)

1953—His Excellency the Governor-General (Field Marshall Sir William Slim.)

1954—His Excellency the Governor (Sir Charles Gairdner.)

1955—His Excellency the Governor (Sir Charles Gairdner.)

1956—His Excellency the Lieutenant-Governor (Sir John Dwyer.)

1957—His Excellency the Governor (Sir Charles Gairdner.)

1958—His Excellency the Lieutenant-Governor (Sir John Dwyer.)

1959—His Excellency the Governor-General (Field Marshall Sir William Slim.)

1960—His Excellency the Governor-General (The Rt. Hon. Viscount Dunrossill.)

1961—His Excellency the Governor (Sir Charles Gairdner.)

1962—His Excellency the Governor (Sir Charles Gairdner.)

1963—The Premier (The Hon. David Brand.)

PARLIAMENT HOUSE

Allocation of Offices

19. Mr. GRAHAM asked the Speaker:

(1) How many persons are on the administrative and clerical staff employed at Parliament House (i.e., staff other than stewards, cleaners, gardeners. etc.)?

(2) What is the total number of offices proposed to be allocated to them upon completion of the building?

(3) Which of the employees are to have single rooms?

(4) How many rooms are to be allocated—

(a) for Ministerial use, and

(b) for use of Ministers' staffs, and how many persons will occupy the latter?

(5) How many rooms for exclusive use as offices will be allocated to members other than those holding any office?

The SPEAKER (Mr. Hearman) replied:

(1) 41.

(2) 28.

(3) The Clerk of each House;

The Clerk Assistant of each House;

The Clerk of Records in each House;

The Typists (other than *Hansard*);

The Sergeant-at-Arms;

The House Controller;

The Chief *Hansard* Reporter;

The Assistant Chief *Hansard* Reporter;

The Secretary of *Hansard;*

The *Hansard* Reporters;

The Secretary to the Leader of the Opposition;

The Premier's Secretary; and

The Premier's Typist.

(4) (a) 6;

(b) It is not within the province of the Speaker to say what Ministerial staff will occupy this accommodation.

(5) 26.

I should like to add that when the building is fully occupied there will be a total of 67 staff employed. Thirty-three rooms will be allocated for their use.

There will be 58 rooms for the use of members.

It must be emphasised that allocations must change from time to time and that some alterations must occur after elections.

NOXIOUS WEEDS

Eradication Expenditure in Other States

20. Mr. D. G. MAY asked the Minister for Agriculture:

(1) In connection with question 16 of the 12th September, 1963 (Noxious Weeds—Expenditure in Other States) will he indicate whether the information requested has now been obtained?

(2) If the answer is "No," could he state when the particulars would be available?

Mr. NALDER replied:

(1) The information requested has not yet been obtained.

(2) No; but it will be made available to the honourable member as soon as received.

HIGH-PRESSURE SALESMEN

Action by Perth Shire Council

21. Mr. D. G. MAY asked the Minister representing the Minister for Justice:

(1) Is he aware that the Perth Shire Council has appointed a committee to investigate what action can be taken against high-pressure salesmen, in so far as the Local Government Act is concerned?

(2) Is he further aware that a current outbreak of these embarrassing tactics is occasioning considerable concern to housewives in the metropolitan area?

Legislative Protection

(3) As he indicated on the 13th August, 1963, that some consideration had been given to the lines on which legislative protection

could be given if it was found that insufficient effect had resulted from action already taken, will he now give an assurance that the present unsatisfactory situation will receive immediate attention?

Mr. COURT replied:

(1) Yes, from the Press report of the 2nd October, 1963.

(2) The Police Department has not received information or complaints which would suggest there has been a current outbreak of high-pressure sales tactics.

(3) The means by which legislative action can be taken to control these practices without interfering with normal legitimate business transactions will be examined.

SAFETY BELTS

Installation in Government Cars

22. Mr. DAVIES asked the Premier:

(1) Have safety belts been installed in any Government cars?

(2) If so, in how many?

(3) If not, does the Government propose to take action in this regard in view of the importance being placed on this safety measure during the current "Safety Week"?

Mr. BRAND replied:

(1) Yes.

(2) Approximately 2,400 have been supplied.

(3) Answered by Nos. (1) and (2).

CANNINGTON POLICE STATION

Provision of Police Car

23. Mr. JAMIESON asked the Minister for Police:

(1) Is it intended to provide a police car for the use of the Cannington Police Station?

(2) If so, when?

Mr. CRAIG replied:

(1) Provision has been made on the current estimates for the supply of a car to Cannington Police Station.

(2) At a reasonably early date.

RAPID TRANSIT TERMINAL AT MIDLAND

Details of Scheme

24. Mr. BRADY asked the Minister for Railways:

(1) When is it expected that the plans on vehicle parking, bus terminals, timetables, etc., for bus and rail transport to and from the Hills District and Swan Valley will be available to the general public?

(2) Is it anticipated the Midland railway line will be used to extend the suburban service to North Midland?

Mr. COURT replied:

(1) It is impracticable to be specific. The position is unchanged from the answers I gave the honourable member on the 26th September, 1963.

(2) No.

SEWERAGE IN EASTERN SUBURBS

Provision for Bellevue-Greenmount Areas

25. Mr. BRADY asked the Minister for Water Supplies:

(1) Has the sewerage system in the eastern suburbs reached its maximum intake?

(2) If not, will he state when the balance of sewerage work will be be completed in Bellevue-Greenmount areas?

(3) If so, what plans for the future are being made to sewer Bellevue-Greenmount areas?

Mr. WILD replied:

(1) Yes.

(2) Answered by No. (1).

(3) There are no immediate plans for sewering these areas as this will depend on future development and availabity of finance.

HOUSES FOR NATIVES

Provision in Metropolitan Area

26. Mr. BRADY asked the Minister representing the Minister for Housing:

(1) What number of homes have been built in the metropolitan area during the past five years for native families?

Alterations for Other Tenants

(2) What number of native homes have been altered in design to suit tenants other than natives?

Mr. ROSS HUTCHINSON replied:

(1) Nil. The commission does not discriminate when allocating homes. Providing their standards are satisfactory, native families are treated the same as other applicants.

(2) Eight in country towns and one completed and two in course of alteration in the metropolitan area. These are allocated to applicants as in No. (1) above.

QUESTION WITHOUT NOTICE

NORTH-WEST DEVELOPMENT

All-party Discussions

Mr. BICKERTON asked the Premier:

In view of the impending discussions on the Northern Territory between Queensland, Western Australia, and the Commonwealth Government, which have been featured in the Press recently, will he consider having all-party discussions in this State concerning the north-west prior to the meetings with Queensland and the Commonwealth, or at some convenient time during that period? The Premier will recall the advantage that was derived from the all-party committee concerning the Ord River.

Mr. BRAND replied:

I would not like to give any undertaking of this kind at the present time. Negotiations between the two Governments—Queensland and Western Australia—have been proceeding and I think are getting to a point where a final conference could be held. I do not believe any good purpose can be served by all-party discussions, as all the main problems of the north are known to everyone. It could be that, when a decision is made, conferences could take place with local members of Parliament.

BILLS (4): INTRODUCTION AND FIRST READING

1. Factories and Shops Bill.

   Bill introduced, on motion by Mr. Wild (Minister for Labour), and read a first time.

2. Physiotherapists Act Amendment Bill.

3. Medical Act Amendment Bill.

4 Drugless Practitioners Bill.

   Bills introduced, on motions by Mr. Tonkin (Deputy Leader of the Opposition), and read a first time.

PUBLIC WORKS DEPARTMENT

Re-establishment of Maintenance Section at Albany: Motion

MR. HALL (Albany) [4.53 p.m.]: I move—

That this House expresses its disapproval of the action of the Government in closing down the Public Works Department Maintenance Section at Albany and requests that immediate action be taken to re-establish the organisation.

In moving this motion I condemn the Government for closing down the Public Works Department maintenance force, as affecting Albany in particular. The Government's action is having a detrimental effect upon the whole State. The Government's policy is to introduce boards, which also has a detrimental effect upon the workers of Western Australia. The maintenance work force is a valuable avenue for the Government to employ unskilled workers.

I raised this matter by way of question and answer. I do not know whether it could be regarded as a "Dorothy Dixer," but the member for Narrogin raised the matter by way of question a few days later. My question related to the introduction of a board in the metropolitan area; and the House was given an assurance that a board would not be set up in this case.

There are approximately 18 men and their families affected in Albany. Those men will have to leave the town. Many men have joined the ranks of pensioners because of the retrenchments among the maintenance force. Those men are capable, and if we allow this state of affairs to continue, there will be a further drift towards unemployment, and taxation will rise. We are forcing capable men to seek unemployment relief benefits. They are being forced on to the unemployment scrap-heap. We are finding that pensioners who have been able to supplement their income are being deprived financially because of the action of the Government.

The Leader of the Opposition has asked questions on this matter on several occasions. Before quoting some of the questions and answers, I would point out that we are encouraging migrants from overseas, and many of those migrants are unable to obtain employment.

Mr. Bovell: That is rubbish!

Mr. HALL: It is necessary to look at the situation very carefully. The Public Works Department work force is our only means of absorbing the unemployed.

According to yesterday's *Daily News* approximately £36,000 has been allocated for sewerage works in Albany. Before reading that, I was proposing to ask a question without notice in connection with the matter, in order that we might instill some enthusiasm into the unskilled workers of Albany. If we refer to the Estimates we will find that Albany has been treated rather shabbily.

There are many reasons why development should be taking place at Albany; and we should be doing something about unemployment. The problem of unemployment has to be resolved, and the best means of doing that is by the reintroduction of the work force, whether it be day-labour or maintenance. On occasions there has been a lag in the day-labour

work force; and it is necessary to reintroduce the maintenance force to counteract the lag in day labour throughout Western Australia.

Without a day-labour force we cannot hope to solve the problem of unemployment. The problem applies not only to Albany but to the whole of the State. Contracts have been let for work which could have been ably carried out by the day-labour force.

I wish now to quote this letter from the Minister's office, Department of Public Works, Perth. The letter is dated the 14th February, 1963, and it states—

> I am pleased to advise that I have approved the letting of a contract to Messrs. Kooman and Faas of 59 Hamilton Street, Bassendean, for repairs and renovations to the Albany High School Girls' Hostel at a cost of £2,809.

As we have tradesmen available in Albany —and also in other parts of the State—I see no reason why we should have to import contractors from the metropolitan area to carry out work which the maintenance forces in Albany and in other portions of the State could do.

I again emphasise that the maintenance of this section of workers will depend on the Government's ability to adjust itself to the thought that it can employ these people to the maximum capacity without detriment to Albany, or without establishing a pensioners' incompetence fund; and that is about what will happen.

The heading "Carpenters Jobless" appeared in the *Daily News* of the 12th July, 1963, and the following report appeared under that heading:—

> A meeting of 30 jobless metropolitan area carpenters today decided to approach Works Minister Wild on the need for more public works construction.

That clearly emphasises the point I am raising today. We find that in a town of something like 13,500 people there is a reaction directly adverse to the Government's decision.

Mr. Clohessy, Mr. Cant, and I went to the Minister and aired our grievances. I will give the Minister some commendation for his tolerance, but in answering us he said that if he agreed to what we suggested he would be setting a precedent. Let me point out that what we want would be no precedent, because such a precedent was established a long time ago by the Minister for Housing who, at the time, was Mr. Graham.

We can say quite faithfully that the attitude of the then Minister for Housing in setting up the worth-while project which he established was to the benefit of the whole State and particularly to the workers in the State; and I would say that there was at no time any lack of efficiency.

We could agree, perhaps, that we did get overbalanced in respect of our works side, but I do not think that any contractors today would deny these chaps a livelihood; but that is what is happening by the closing down of the day-labour force. Without the day-labour force to absorb the unemployed, the Government is at the mercy of the contractors. You know, Mr. Speaker, as well as I do—and I would say you are a fair-minded man—

Mr. W. Hegney: Hear, hear!

Mr. HALL: You will realise, Sir, that without some elasticity in respect of absorbing the unemployed we cannot hope at any time to regain employment equilibrium. The whole of our thoughts should be based on the fact that we must have a proper work force at our disposal to implement such works as become necessary from time to time. I think the Minister for Works, at the bottom of his heart, realises that; otherwise he would not have made available £36,000 in the last few days to carry out work at Albany where there is a particularly bad patch of unemployment. The day-labour force has been disbanded and closed down.

We find that the Chief Secretary curtailed work on another day-labour project —the provision of a new gaol at Albany. There is an urgent necessity—I have raised this subject in the House previously—for a new gaol at Albany because the present one can be likened to the Belsen camp. I say without fear of contradiction that officials from the Public Health Department should inspect the gaol, because there should be no prisoners in it at all. They should be transferred to the metropolitan area because the gaol is not capable of serving its purpose.

If the Government wishes to curtail expenditure in that direction—and actual wealth could be created by putting a labour force into operation on this project—it is entitled to do so. But do not let us trade on the fact that the gaol is capable of holding the people who are sent to it. The gaol is inefficient and is in a deplorable condition in respect of holding prisoners; but to curtail expenditure is the Government's prerogative. I say that a day-labour force should be put into full operation for the purpose of building a new gaol.

I shall now read a letter addressed from 43 Middleton Road, Albany. The letter, which is dated the 8th April, 1963, and which is addressed to me, has this to say—

> Re Closing Down of P.W.D. Albany
>
> At a largely attended meeting of carpenters and joiners held at Albany on the 2nd April, it was a unanimous decision that you be requested to arrange a deputation to the Minister for Works as early as possible, on the proposed closing down of the P.W.D. Architectural Division at Albany.

As a result of that letter we met the Minister for Works, and I will say he was rather tolerant and did his best, but we were led to believe that Government policy would prevail.

I am not going to delay the House any longer except to say that the Minister did, many times, make statements to the effect that the work force would not be reduced below a certain figure. That has not been so. The object of the present Government is to set up boards which will eventually be clothed with certain powers and will have finance made available to them; and I would say that those boards will be averse to the Public Works Department, generally, and some of our very faithful servants could easily go overboard.

We have to face up to the fact that the Government policy today is to unload its responsibility on to boards by allowing them to run things for us under adverse conditions. When we think of the people who have given long and faithful service as workmen in our maintenance force we can appreciate the position. They could have taken on other occupations of a more lucrative nature and with greater protection to themselves, but they stood by the public works maintenance force and now they find their services have been dispensed with.

I seriously think that this is almost a censure motion on the Government for its attitude towards faithful servants, and I see no reason why the motion should not go forward with the full support of the House. The men to whom I am referring—instead of working for the Government they could have taken on other contract work—have been discarded, shelved, and thrown on to the scrap-heap. I think there is nothing else to describe what has happened than to say that it is a damnable action!

Debate adjourned, on motion by Mr. Wild (Minister for Works).

HALE SCHOOL LAND

Minister's Action on Subdivision: Motion

MR. GRAHAM (Balcatta) [5.12 p.m.]: I move—

> That this House deplores the action of the Minister for Town Planning in connection with the Hale School land subdivision at Wembley Downs in reversing the established requirements of subdividers and in so doing overriding the Town Planning Board and acting against the views and desires of Perth Shire Council, Wembley Downs Civic Association, and Wembley Downs Parents & Citizens' Association, and against the public interest in the matter of provision of adequate public open space.

It is appreciated that the area which is the subject of this motion is not in the electorate which I have the honour to represent; but the action taken by the Minister is of such a disturbing nature and so grossly wrong, and so cuts across a well-established principle, that it becomes a matter of grave concern to all members of this Parliament.

Members no doubt are aware that the usual requirement of subdividers is that there are two main principles: one, that the subdivider shall bear the cost of construction of the subdivisional roads to serve the area; and the other, that he shall allocate without compensation approximately 10 per cent. of the area being subdivided to be set aside for public purposes.

This latter principle is so vital that the Minister and the Town Planning Department took a case to the High Court of Australia against a decision of Mr. Justice Virtue in the Supreme Court of this State for the purposes of establishing the right of the Town Planning Board to insist upon this requirement.

This action was an appeal against the Miami Syndicate in respect of a subdivision in the Mandurah locality, and the Minister and the Town Planning Department were successful in their approach to the High Court.

I repeat that this feature of the requirements imposed upon subdividers was so basic and important to modern town planning that the Government decided to appeal against even its own highest court in the State. It is true that very many subdividers have protested because of the insistence of the Town Planning Board that the requirement that a certain percentage of their land be made available for public purposes should be met; but invariably the public interest has prevailed and, accordingly, the Town Planning Board has been successful in its insistence upon this requirement. Again, invariably, the Minister of the day, when an appeal has been made to him, has sided with the attitude of the Town Planning Board.

Mr. Dunn: You say "invariably"?

Mr. GRAHAM: Invariably, but not in every case. The board of governors of Hale School made a number of separate applications for approval to subdivide a total of about 44 acres of land owned by them at Wembley Downs. The Town Planning Board considered these applications and approved of subdivisions, having in mind the 10 per cent. of land to be set aside as a condition, and asked for four separate lots—a total of about 3½ acres —for public open space, and about one acre for drainage purposes. This decision

of the Town Planning Board was apparently as unacceptable to the board of governors of Hale School as it has been to other individuals who have sought to undertake subdivision from time to time.

The chairman of the board of governors of Hale School, who is on very friendly terms with the Premier, decided he would call on the head of the State. This gentleman—Mr. Quinton Stow—is a most prominent and influential backroom boy of the inner circle of the Liberal Party. Indeed, I understand that, among other things, he is chairman of the Liberal Party selection committee which chooses candidates for political elections. One can only guess what took place during the discussions between Mr. Stow and the Premier, but the papers of the Town Planning Board show that in February of this year the Premier asked the Town Planning Commissioner to study a memorandum which had been submitted by Mr. Stow, and also to see Mr. Stow personally to ascertain—to use the Premier's own words —"ways and means of resolving some of the difficulties confronting the school." No mention was made of the public interest whatsoever.

I wonder how many other subdividers have entree to the Premier's Office when they find the requirements of subdivision objectionable to them; and I wonder in how many cases—assuming there have been any previously; which I very much doubt—the Premier has made a direct approach to the Town Planning Commissioner without passing the papers to the Minister for Town Planning? That was certainly the course that was taken in this case because—in my view—of the positions held and the influence wielded by Mr. Quinton Stow. I have said that the public interest did not get a mention. I wonder if the Premier took the elementary step and responsibility—which should have been his—of having a look either physically, or on paper, at the state of affairs existing in the Wembley Downs area. Wembley Downs comprises approximately 450 acres; and, therefore, under modern town planning requirements there should be about 45 acres reserved for open space, perhaps about one-third for sundry purposes, and two-thirds for parks and playing fields.

However, instead of 45 acres being set aside, there are only three acres reserved for open space, and so this modern, rapidly-developing suburban area is left in the position of the people and the children being denied amenities enjoyed by every other section of the community; even in the older suburbs such as Victoria Park.

Mr. Brand: What is the area of 45 acres? How long has that been subdivided, and who was responsible?

Mr. GRAHAM: The position concerning that land is quite interesting. Some of the subdivisions were undertaken quite a number of years before there was a Town Planning Board constituted as we know it today; before there was the requirement to set aside, as a condition of subdivision, a certain area for open space for use by the public. Because of that fact, I am sorry to say that the Wembley Downs area is to be denied that land for ever and a day and be left short of open space. Therefore, more shame on the Premier when we think a suburb has met with these circumstances because of the consideration shown by him not to Hale School, but to Mr. Quinton Stow!

Of course, Hale School and its authorities are the beneficiaries, and some thousands of people and their children will suffer as a consequence unless the Government is prepared to impose an unfair burden upon other sections of the community as a result of this action of bending over backwards to oblige Mr. Stow by, first of all, acquiring or resuming land which is worth several thousands of pounds an acre. I should say that that land would be worth in the vicinity of £5,000 an acre, and the Government is prepared to take this step for the purpose of making good the damage which is inherent, but which has been accentuated by the action, in the first instance, of the Premier lending a kindly ear to the approaches of Mr. Quinton Stow.

It is true there was an open space of approximately three acres, but, in anticipation of the proper course being followed, the Perth Shire Council—upon representation being made to it by the Wembley Downs Progress Association—built tennis courts and a pavilion on that space with the reasonable expectation that there would be further open space made available which could be used to allow kiddies to kick a football upon it, have a game of cricket, and generally indulge in those games that children do engage in. However, because of the action, in the final analysis, of the Minister for Town Planning, the children in that locality are to be completely and entirely bereft of open space in which to play. I only wish that this Government would sometimes show a little concern for public interest and the ordinary people of the community instead of, on all occasions, extending itself as it does to the *nth* degree to oblige only the wealthy and influential sections.

With this Hale School subdivision the open space that could have and should have resulted is the only open space available to the people west of Weaponess Road. That road is a main arterial road and an extremely busy highway, and so it means that some hundreds of children will be required to cross it and travel a considerable distance in order to reach a playing area elsewhere.

It is my intention to analyse the submission—or the memorandum as it was called—which was lodged by Mr. Quinton

Stow and left with the Premier, and which the Premier subsequently passed direct to the Town Planning Commissioner and not to his Minister for Town Planning. The relevant portion of that memorandum is as follows:—

> The school acknowledges that it has been most fairly treated by the Government in the acquisition of the Parliament Place property, and it has for its part:—
>
> (1) Permitted the Water Supply Department to construct a main almost diagonally across its property for a distance of some 700 yards.

Anyone who knows anything about the Water Supply Department knows full well that, irrespective of town planning requirements, the Water Supply Department, under the provisions of its own Act, has certain rights which it is able to invoke and which it does invoke from time to time in the course of its activities. Therefore, this has nothing whatsoever to do with the generosity of the Hale School authorities, or the condition of subdivision.

Secondly, it is pointed out—

> That the school allowed the Perth Shire Council, over a number of years to remove thousands of tons of limestone from school land without claiming or asking for any compensation for such.

That is a plausible one! The fact of the matter is that this was the subject of an agreement with the Perth Shire Council in consideration for which the council constructed subdivisional roads without cost to the Hale School authorities. Again, this has nothing whatsoever to do with the conditions pertaining to subdivisions.

Thirdly, it is stated—

> That it has provided land to the Main Roads Board for the construction of Hale Road (intended to be a two-lane main road) although such severed a portion of School property upon which it was first intended that some at least of the main School buildings would be erected.

This road was built by the Main Roads Department to serve Hale School only. There are no houses to be served by this road.

Mr. Bovell: Your Government played an important part in putting Hale School where it did.

Mr. GRAHAM: Of course; and no one is arguing about it.

Mr. Lewis: Is not Hale Road a through road? You said it serves only Hale School.

Mr. GRAHAM: That is so.

Mr. Lewis: I do not think you are quite correct in saying that.

Mr. GRAHAM: Most roads, it will be found, serve not only the people who front the roads, but also people who are beyond them; but I repeat that there is a requirement placed upon subdividers to be responsible for the cost of construction of the road system within the subdivision.

Mr. Lewis: That is right; and are you not implying that this road was built to serve only Hale School? Isn't that what you said?

Mr. GRAHAM: At this stage, that is so. It is not serving other people who are fronting that road. It was put down by the Main Roads Department for the purpose of giving access to Hale School.

Mr. Lewis: That might be so; but I understand there are many dwellings alongside the road now.

Mr. GRAHAM: That might be the case. If I were to subdivide an area of 20 acres and provide a road, nobody would be served by that road at the time of subdivision; but in the course of time when the land was subdivided into quarter-acre blocks many people would use that road.

Mr. Lewis: I wanted to have a proper appreciation of the situation.

Mr. GRAHAM: The Minister need not fear about my appreciation of the situation.

Mr. Lewis: I want the other members to have the same.

Mr. GRAHAM: I hope they will be able to follow me. The memorandum makes mention of approximately six acres of land which the school is required to forfeit. I notice the Town Planning Commissioner placed a number of question marks across that submission; and well he might, because the area is not six acres but less than 4½ acres. To be precise, it is 4 acres 1 rood 13 perches.

Members can get some idea of the value of that land; because, to use Mr. Stow's own words, this area of six acres, on Mr. Campbell's valuation, should realise between £25,000 and £30,000. The case goes on—

> It is submitted, as was put to the Commissioner:—
>
> (a) That the Town Planning Act does not require that 10 per cent., or any percentage, of land to be subdivided be surrendered to the Crown.

Of course, that is admitted, but it is a policy and principle which has been followed. I repeat myself when I say that this was so vital to the functioning of the Town Planning Board that the Government took a case to the High Court of Australia, and was successful in its submission; namely, that the town planning authorities could require approximately 10 per cent. of an area of land to be subdivided to be made available for public purposes.

The Town Planning Commissioner wrote a note on the file to the effect that whilst there was no 10 per cent. set down, that figure was used as a guide and has been followed in one way or another, depending on the circumstances.

The case goes on—

(b) That the Board has a discretion which it may exercise in each individual case.

I have already explained the situation in that regard. The case then sets out—

(c) That the School has not been unappreciative of the Government's fairness to it and has reciprocated to the Government and the Local Authority as mentioned in paragraph 7.

I have already covered the three points that appear in paragraph 7. To continue with the case—

(d) That so far as "open air" or "breathing" space in Wembley Downs is concerned, such is quite unnecessary as the building blocks in the area are generally large and the country is undulating and open to the sea breezes and, further, that so far as sporting areas are concerned there are existing sporting grounds of various kinds. There are already three Schools with open spaces for playing fields around them and three more Schools are about to be built.

How fatuous can one get! The schoolgrounds are not available to members of the general public; therefore there is no substance whatsoever in the submission, because no grounds are available to the public for general sporting use. The case goes on—

(e) That so far as adults are concerned the area adjoins the Commonwealth Games Stadium and other sites and also the Wembley Downs Golf Course—

Firstly, the Games Stadium is between two to four miles from this locality; and, secondly, I would like to see the reaction if children kicked a football around the grounds of the golf course. The submission is too stupid for words; but apparently it was sufficient to get the Premier in, and also, later on, the Minister for Town Planning.

Mr. Dunn: Do you qualify your statement as far as the use of the golf course by adults is concerned?

Mr. GRAHAM: Yes.

Mr. Dunn: What would children want to kick a football around there for?

Mr. GRAHAM: I am referring to youths between 17 and 19 years of age.

Mr. Hawke: The same age as the member for Darling Range!

Mr. GRAHAM: He is not as old as that. To continue with the submission—

—and that, as the vast majority of householders have motor cars, the half mile or mile to an existing sporting ground is no hardship.

I do not know whether Mr. Stow thinks that, because the Games Village is adjacent to the southern border of Wembley Downs, adults and children can play games around the houses of that village. Apparently he knows very little of the geography of this locality, because the Games Stadium is a considerable distance from the Games Village; and Wembley Downs is still further north of the Games Village. In any event, the Games Stadium at Perry Lakes is enclosed and is not available for general use.

To continue with the case—

(f) That in respect to the 3 acre block (for recreational purposes) it is on the boundary of the Perth Shire Council district and adjoins the Commonwealth Games area and consequently is unnecessary as a sporting area.

I would point out that this area adjoins the Commonwealth Games Village, and not the Commonwealth Games area.

The case then goes on to state—

(g) That in respect to the 1.6 acres, it is situate in the highest point of the whole Wembley Downs area and in the most valuable section of the School land and blocks adjoining (but not quite so favourably situate) are at this moment selling at £2,250.

(h) That 1.6 acres (which represents 7 building blocks) is useless as a playing area and in any event, being on the top of a hill, is most unsuitable.

The point about the 1.6 acres of land on top of the hill is that it is required for water supply purposes, for erecting a tank for reticulation of water to the area. This is where the Water Supply Department has rights which are inherent in the Statute under which the department operates, and has nothing whatever to do with town planning requirements. The case goes on in paragraph (i) to point out what I have already said: that the real objective of this surrender is to provide a place for the Water Supply Department to place a reserve water tank. Then the case goes on—

(j) That, having regard to the present agitation in certain quarters relative to governmental assistance to Church Schools, it is paradoxial, to say the least, that the Government should be penalising a School to the extent of upwards of £30,000 and possibly more.

It might be appropriate to mention that just to the east, the Roman Catholic Church in Williamstown Road was required to and did, in fact, surrender 10 per cent. of its area when it undertook a subdivision. It surrendered 10 per cent. of the land for public purposes.

Finally the case states—

> (k) That, in all the circumstances, and leaving aside all questions of Town Planning policy generally, in this instance the surrender of any land except strictly for drainage purposes, should be waived.

It is nice to have that final submission, because apparently Mr. Stow appreciates that drainage is necessary in order to make it possible to sell, and to use the land—the subject of the subdivision.

At this juncture I would like to quote a few lines which appeared in the north suburban supplement of *The West Australian* of the 28th August last. These are the comments of members of the Wembley Downs Civic Association, and according to the Press the honorary secretary had this to say—

> Members believed there was not enough substance in the grounds of the school's appeal and no substance whatever in the opinion expressed in the School's appeal.
>
> The association recognised that, in law, the Minister's decision was final.
>
> However, it believed that Wembley Downs residents should not be penalised by a Minister's wrong decision.
>
> It was the Government's duty to provide residents with land or reserves in the district.

I am certain all members will agree with those comments, whether the land concerned be in Wembley Downs or elsewhere.

The Town Planning Commissioner made some comments in his reply to the Premier. There is no evidence on the file that the Minister for Town Planning ever saw the communication dated the 27th February of this year. The Town Planning Commissioner made quite a few comments with regard to the case generally, and then he went on to say—

> The proposed subdivision Item (d) above is some six acres in extent. On the Shire Council's suggestion the Board asked for 3 acres of this to be transferred for local recreation purposes and this is the second point at issue. This was chosen as having the least adverse effect on the subdivider's interests. In any event, it needs a good deal of earth work before it could be used for subdivision. In other words, it would be the least profitable part of the School's subdivision. Contrary to what Mr. Stow says, the Council and the Board considered it necessary to make provision in the locality for some recreational open space against the time when the area is fully built up with housing.
>
> The foregoing decisions of the Board were reached after careful thought and consultation with the Shire Council. I believe in all the circumstances they are not unreasonable, and I do not feel I could ask the Board to change them.

Later on the Town Planning Commissioner (Mr. Lloyd) had this to say—

> By way of general comment I should like to say that in the discussion today and previously with Mr. Stow, I have the impression that although he hinges his arguments on the special position of the School, he is really opposed to the principle of the Board being able to require a subdivider to transfer land to public purposes. In other words, he disagrees with the High Court judgement in the Miami case.
>
> Looking at the matter again, leaving aside the water tower question, I do believe that the Board made only reasonable and modest demands in relation to the School's subdivision.

I do not know what happened in the interim, but on the 5th April Mr. Lloyd again addressed himself to the Premier and he made several interesting comments. He referred to an area of 15 acres of land which was transferred to the Hale School authorities, this being land which was owned by the State Housing Commission. He said—

> The transaction was agreed on a basis of 15 acres of land in the Unwin Avenue area being then—

—and I emphasise that word "then"—

> —equivalent in value to the 8 acres required for Wembley Downs Primary School. You can see that this has turned out to be a very advantageous exchange for Hale School, since plots in the Unwin Avenue area are now about £1,500 per lot and 15 acres could produce 60-70 lots.

In other words this would be about £100,000. Mr. Lloyd went on—

> The total area of land in this area including that owned now by Hale School, and that to be transferred later, amounts to 27.4 acres.

He then split it up into headings which I need not go into. He continued—

> Strictly speaking, therefore, following the Town Planning Board policy, the land which could be claimed for open space purposes, at 10 per cent. of 27.4 acres, would be 2.7 acres. If this were a Housing Commission development or a subdivision by a commercial developer in the normal way the Board would ask for 2.7 acres, or probably 3.25 acres taking in the Brine

land as well. Taking into consideration all the factors surrounding this case I feel that a smaller area than 2.7 acres could be justified.

So it would appear that someone somewhere—and I say this with no disrespect to Mr. Lloyd—got at Mr. Lloyd. He was so emphatic in his earlier submissions that the Town Planning Board had been reasonable and that there was no prospect of the board changing its view; but in this letter of his to the Premier, dated the 5th April, there is a different tone from that contained in the letter addressed to the Premier on the 27th February, a few short months earlier.

We might call that the episode of the twisting of the wrists, or whatever it was. In any event it appears that the decks were now cleared; and so Mr. Stow, who apparently has the facility of easy access to Ministers, saw the Minister for Town Planning on the 24th April last. There is a note on the file, dated the 24th April, 1963—unsigned—reading as follows:—

> Mr. Quinton Stow, representing the Board of Governors of Hale School, waited on the Minister today and verbally presented their appeal against the condition imposed by the Town Planning Board concerning public open space when the subdivision was approved.
>
> The Minister after consideration with Mr. Lloyd, the Town Planning Commissioner, and having studied the relevant files, decided to uphold the appeal and waive the public open space condition in respect to lot 26.

That is the one which involves the area of three acres. So we see the Hale School authorities being required to provide no public open space but only several small areas to provide drainage reserves; and the matter of the water tower was to be the subject of later discussions.

On the 13th May Mr. Stow sprang to action. He addressed a letter to the Minister for Town Planning—although he called him the Minister for Local Government. As it happens he is the same person. The letter reads—

> I refer to my recent interview with you, at which the Town Planning Commissioner was present, relative to various projected subdivisions by the School of certain areas not within the main school block and, in particular, relative to the letter of the 31st August, 1962, addressed by the Town Planning Board to the School Bursar.
>
> I confirm that the Board of Governors of the School are quite agreeable to forgo the land mentioned in paragraphs 1 and 3 on page 1 of the letter referred to for the purpose of drainage but is unwilling to agree to the drainage requirements set out in paragraph 2 on page 1.
>
> At the interview it was agreed that this requirement should be left over for further discussion upon your return from overseas as was also the question of the provision of a water tower in the Churchlands subdivision adjoining Hale Road and Unwin Avenue.
>
> As to paragraph 4 on page 1 of the letter, you intimated that if a formal appeal were made by my Board against the requirement of an open space of three acres, you would allow the appeal and it was agreed that I should write to you formally making such appeal.

It would be interesting for members to remember that, when we come to an episode a little later on when the Minister said that upon the appeal being made he gave full and careful consideration to the matter. The Premier, and the Leader of the Opposition, should be aware of that because I am confident that the latter received a letter from the Minister for Town Planning in which words akin to those were used. Mr. Stow goes on—

> This I therefore now do—

that is, make the appeal—

> and shall be obliged if I may have your formal decision at your early convenience so that I may produce it to the Town Planning Board so as to obtain its approval of the seven subdivisional plans submitted to the Board . . . .

Next on the file is a letter signed by the Acting Minister for Town Planning—the Minister for Police—who, I should say, is innocent in all this jiggery-pokery, because he merely signed a letter which I would guess was prepared for him departmentally, based on the decision made by the Minister for Town Planning. Portion of this letter reads—

> Your case has been given careful consideration and I now advise that your appeal is upheld in respect to lot 26 where it has been decided to waive the Town Planning Board's requirement of 3 acres for public open space.

Mr. Tonkin: Hooray for justice!

Mr. GRAHAM: I feel very largely that the files laid on the Table of the House tell their own story, and for that reason it is my intention to quote from the papers with but an odd comment here and there. On the 27th May, the Wembley Downs Civic Association wrote to the Acting Minister for Town Planning as follows:—

> It was with great concern that we read that you waived a Town Planning requirement that three acres should be set aside for public open space in a Hale School subdivision at Wembley Downs.

There is an acute shortage of public open space at Wembley Downs. This is mainly due to a prewar subdivision which did not include areas for recreational purposes.

To obtain public open space we rely on new subdivisions. Therefore we cannot understand your action. More so as the Minister for Town Planning Mr. L. A. Logan at an interview with representatives from the Shire of Perth agreed that more open space was badly needed in the Wembley Downs area.

This is possibly the last occasion that a three acre area can be obtained for the benefit of the community without expense to Shire or Government. Was it not for occasions such as this that Town Planning legislation was passed?

For these reasons we respectfully request you to reconsider your decision.

It is obvious that the Minister for Town Planning was perfectly aware of the shocking circumstances in this locality. There was virtually no open space for public recreation; and yet, so great is the power and the pressure of Mr. Q. Stow and others that the matter of public interest received no consideration whatever. The Premier and the Minister bent over backwards to oblige these people, and the community could go hang.

There is an interesting note in the minutes of the Shire of Perth. The following is contained in a report to the council, dated the 31st May:—

> The Assistant Engineer—Town Planning reports that this is a most regrettable decision, and it is considered that the Council should lodge a formal protest; at no stage were we consulted in the matter of this appeal.

And the words "at no stage were we consulted in the matter of this appeal" are underlined. To continue—

> The decision is also the more serious, considering the acute shortage of Public Open Space in Wembley Downs.
>
> The Shire Engineer reports that Memo of Assistant Engineer—Town Planning is submitted.
>
> The proposal for the three acres of Open Space in one parcel, represented in general the open space requirement for the total of land in Wembley Downs unsubdivided by Hale School —in lieu of piecemeal lots in each individual area. This means that each subdivision for individual areas will have to be considered from time to time.

Now, to explain that. The Hale School authorities might have submitted an application to subdivide a small area into 12 building lots, and I think it will be agreed that it would serve no particular public purpose if a quarter-acre here and a quarter-acre there were provided for playing fields. It would be better and more sensible to have a look at the overall situation instead of these individual isolated blocks being made available for public purposes. It is much better for large areas to be made available where a football can be kicked or a game of cricket can be played. That was the intention. So we have some idea from the report of the shire council of the attitude of that authority.

Following the meeting on the 28th May, 1963, the Shire of Perth addressed a letter to the Acting Minister for Town Planning as follows:—

> My Council views with concern your recent decision in respect of lot 26, upon appeal, to waive the Town Planning Board's requirement of 3 acres for public open space. The Council, at the ordinary meeting held on the 21st May, 1963, directed "That a protest be lodged in the strongest terms possible."
>
> The three acres, the subject of the successful appeal, were located on lot 26 with a view to eliminating the necessity for Hale School to carry out extensive earthworks before the land would be suitable for residential development.
>
> The council has always offered full co-operation to the Hale School Board, realising that it is essential for the Board of Governors to seek the maximum possible return for its land. However, Hale School property is specifically exempted from payment of rates (under the Hale School Act Amendment Act, 1958); it would appear to be carrying favourable treatment to an extreme to virtually exempt the Board from the provisions of the Town Planning Act, and by inference, the requirements of effective Town Planning principles.
>
> The appeal decision is all the more regrettable, inasmuch as other Hale School subdivisions forwarded to the Council for comments and recommendations have been considered acceptable—without individual open space provision—on the basis that the equivalent open space would be provided from lot 26.

So the shire council, in order to oblige, did not insist on the approximate 10 per cent. in these small subdivisions that were being made, feeling it was better in the public interest that there should be a larger area—to wit, three acres; and the three acres were given away by the Minister for Town Planning. The letter goes on:—

> Previous subdividers of land in Wembley Downs similar to Hale School's holdings were required to provide approximately three acres of

land in Empire Avenue/Morden Street see Town Planning Board 15165 . . . Hepworth/Brine). An appeal against this requirement was not successful.

Here let me say that the Empire Avenue-Morden Street area is east of Weaponess Road and therefore is not available to those in the new subdivisions which lie to the west of that road. The letter continues:—

Generally, it is submitted that appeals against conditions of subdivision where important matters of Town Planning principle are at stake should not be lightly upheld; and certainly not where the Local Authority has been given no opportunity to resist the appeal.

The Council has already been subject to considerable criticism from ratepayers' associations regarding the lack of public open space in Wembley Downs. Those associations have been aware that a useful area of land would be provided from the Hale School subdivisions. The present decision is likely to cause the Council considerable embarrassment.

It is regretted that a letter such as this has had to be written but I can assure the Hon. the Acting Minister that my Council has taken a very serious view of the subject appeal.

My Council intends to press for the provision of open space in subsequent Hale School subdivisions, and would value the Acting Minister's assurance that similar appeals would not be lightly upheld.

So we have this large, and one of the most imporant, local authorities in the State of Western Australia expressing itself in terms of disgust and censure in respect of the Minister for Town Planning because of his action in obliging certain political interests, and, through those interests, a school which had already been generously treated by the agreement with respect to the land opposite Parliament House and all the way down the line. Again the public come nowhere in the race.

It is now my intention to read a letter from a gentleman by the name of P. W. Jerratt; and I do so because I think he expresses himself in terms which must be, inwardly anyhow, approved by every single member of this chamber. The letter is addressed to the Minister for Local Government, Mr. Logan, and it states—

I am a resident of the abovementioned district and feel compelled to register my disappointment at what I consider your recent unjust decision to waive the provision of public open space for land owned by Hale School.

I have felt strongly about open space in this area for some years and have even visited the Town Planning Department within the last year to ascertain details about new subdivisions, etc., in this area.

I have been told that some subdivisions are too small to have the 10% open space deducted. All the same these small subdivisions bring in as much as £1,000-£2,000 per block.

There are no parks at all in Wembley Downs! That's right, not one public open space of any consequence for the many children of this young area. (As an example the 12 homes in my immediate vicinity have a total of 28 children and two more expected is the near future.)

I realise that most of Wembley Downs cannot possibly have open spaces due to it being subdivided many years ago. This does not apply however, to the recent subdivisions and to the Hale School land.

I do not begrudge foresighted men the fruit of their judgment and enterprise. Good luck to them. Surely however 10% of this land for the good of the youth of this area is a small price to pay. Even 5% would have been equitable.

The representatives of the shire council have assured me on several occasions that they were watching this matter and had the same concern that I had.

It appears that they have been ignored. I cannot understand this. In fact as a ratepayer of this district and as an Australian citizen with three children to try and place on the right road in life I have been very disappointed.

Hoping that something can be done to improve this position.

Mr. Dunn: It is amazing the number of people who are ready to give someone else's land away!

Mr. GRAHAM: It is amazing how ready this Government has been to impose that requirement, with the splendid exceptions of when it has political friends to please; and there has not been a word of protest from the member for Darling Range in respect of the inequity of subdividers being required to forgo 10 per cent. of their land when they seek to subdivide it. But he races in immediately without knowing the first thing about the matter to endeavour to protect and defend Mr. Quinton Stow, who probably has a very large hand in saying whether he, the present incumbent of the Darling Range seat, shall continue in that position.

Mr. Dunn: Are not the children who go to school the public, or are they somebody outside the public?

Mr. GRAHAM: Of course they are the public.

Mr. Dunn: Then do not talk as though they were not!

Mr. GRAHAM: I imagine from these interjections that I am speaking to a child now! But I am not judging all members on the remarks of the member for Darling Range.

The people in the district were so incensed that a public meeting was convened; and I think the member for the district was invited to be present, in addition to the shire councillors, including the then President of the Shire of Perth, who is at the present time a member of the Legislative Council. At this meeting resolutions were carried as follows:—

(1) That the Minister be asked by Dr. G. Henn for more detailed explanation of the Minister's reasons and whether other land (Crown) was considered in lieu and that the file on this matter be tabled in the House.

(2) That we do not accept the Minister's decision as final and we instruct the committee to protest in the strongest possible terms.

(3) In making this protest, the committee give details to the Minister of Councillor Griffith's alternative proposal or any other alternative proposal the committee may consider and that a deputation of this Association with our Councillors be introduced to the Minister by our member Dr. G. Henn.

There are two other resolutions, but I will not tire the House by reading them. Following the carrying of those resolutions a letter was sent to the member for the district enclosing copies of the resolutions and asking, among other things—

> With reference to the third motion will you be good enough to arrange a deputation to the Honourable Minister for Town Planning? This deputation will consist of the following members:
>
> Councillor J. Rice of the Shire of Perth.
>
> Councillor W. Griffith of the Shire of Perth.
>
> Mr. J. Vanderheeg, President W.D. Civic Association.
>
> Mr. L. Sipe, Hon. Secretary W.D. Civic Association.
>
> Mr. D. Hutcheson, member W.D. Civic Association.

The member for the district, as one would expect, did what was asked of him; and he did it expeditiously, as a matter of fact, because on the following day he wrote to the Minister enclosing copies of the five motions; and I suppose we can take it that he asked for a deputation because he says—

> I enclose copy of five motions that were passed at the end of the meeting, and would appreciate if you would accommodate me in those that involve myself with you.

The deputation would undoubtedly be one of "those". The Minister's reaction was, of course, splendidly in the negative; and I will come to it presently as I am dealing with these papers in sequence.

The Wembley Downs Parents and Citizens' Association wrote to the Minister on the 19th June as follows:—

> As parents and citizens of Wembley Downs, we wish to record a strong protest against your recent decison to deny Wembley Downs the share of the newly subdivided Hale School land which we consider should have been made available as recreational land under the Town Planning Act.
>
> In this we fully support the resolutions passed at a meeting of the Wembley Downs Civic Association, and urge, with them, the consideration of all possible alternate proposals.
>
> We have 500 children in our school and there are as many preschool children in the district, besides this the area is still only half built up.

On that basis there will ultimately be a total of 2,000 children and no facilities whatsoever west of Weaponess Road. The letter goes on—

> It is therefore a serious matter that Wembley Downs has no recreational land for children, and practically no prospect of being able to obtain any.
>
> Hoping you will give this matter your most serious consideration.

It will be appreciated that many organisations and individuals are perturbed at the decision of the Government; and that is why the resolution embodies them, and why I have been quoting from their letters. I have done this to indicate that what I am putting forward is not from hearsay. I am quoting from photostat copies of letters that were sent to the Government protesting about its decision. On the 24th June, the Shire of Perth wrote to the Minister for Town Planning and said—

> By direction of Council, I am required to respectfully notify you of the following resolution arising from Council discussion of your correspondence, viz. "that Honourable Minister for Town Planning be asked to give his full reasons for his decision in upholding the appeal regarding the open space provisions relative to the Hale School lot 26, Wembley Downs.

The Minister replied to those parties in turn.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. GRAHAM: Apart from his earlier observations, the Minister has a type of reply of which I have seen several copies, one of which I will now read. This is to the secretary of the Wembley Downs Parents & Citizens' Association which, as members will recall, was numbered among those who lodged strong protests against the

action of the Minister. I quote the relevant portion of the letter which is addressed to the secretary by the Minister for Town Planning. It reads—

> The town planning legislation provides that the Town Planning Board may make conditions to its approval of an application for subdivision.
>
> The Act also incorporates the right of appeal by the applicant, and the applicant only, to the Minister against the decision of the board and/or any condition imposed by the board and the Minister's decision on such an appeal is final.

That is not a departure from the truth, but it is not stating the situation fairly. The Act says that any person may appeal to the Minister from the refusal of the board to approve any plant, etc., or for the conditions affixed to the granting of such approval. The Minister may allow an appeal with or without conditions. Then it goes on to say that the decision of the Minister is final. But nowhere does it say that the Minister is bound to hear the appellant and nobody else. As a matter of fact, Mr. Speaker, I think you will agree with me that it is an extraordinary interpretation on the part of the Minister that where parties—and particularly when they happen to be responsible public organisations, such as shire councils—object they should not be given an opportunity to submit their point of view when the Minister is hearing one side and one side only.

Instead of being an appeal it is, in such instances, surely, a grotesque situation of the Government wanting to learn one viewpoint only. But I suggest seriously there is a bounden obligation on the Government, and the Minister, not only out of a sense of courtesy to the responsible public body, but also in order that justice shall be done. Would we have a court comprised of a single individual, or of greater numbers, resolving an important matter affecting the public welfare, after listening to one side only?

As indicated earlier, the Minister's decision was made even before he had received the appeal submitted by the board of governors of Hale School. There is another portion of the Minister's reply to a gentleman known to most of us, Dr. G. Henn, Parliament House, Perth, under date the 23rd July, 1963, which I would like to read. This letter was in answer to one from the member for the district enclosing five resolutions which had been agreed to at a public meeting held at Wembley Downs. The letter states—

> In regard to the motions submitted I advise:
>
> 1. As I have already advised, all matters were taken into consideration when making a decision on this matter.
> 2. If you so desire the file will be laid on the Table of the House at your request.
> 3. As this matter was dealt with in accordance with the law and under the Act, a deputation will not serve any useful purpose. If I were to receive deputations because someone objected to a decision which I had made, the position would become farcical, bearing in mind that I have had to give decisions on at least 500 appeals on town planning since becoming a Minister, and I repeat, naturally, one would not expect universal acceptance of all these decisions.

That, to my mind, is laughable. It was written by L. A. Logan, the Minister who was so obliging and accommodating to Mr. Quinton Stow, the gentleman who saw the Premier of the State, the Minister for Town Planning, and the Town Planning Commissioner, for the purposes of breaking the accepted rules of the game.

The letter, in my view, reveals the unrealistic and unsympathetic attitude of the Minister. The rights of a single body, and in deference to a single individual, were obviously paramount in his mind as against the several public bodies, including the Shire of Perth, which were directly interested, not because of any personal interest but because of community welfare. The Minister refused to meet a deputation because, I suggest, he had no answers and no reasons for his decision. He would have been embarrassed because of the evidence appearing in the Minister's own file, and because of the weak nature of the case made out by the Hale School authorities. Even if they—the Hale School authorities—suffered some inconvenience or disadvantage, it was the bounden duty of the Minister to weigh those considerations against the requirements of the community.

As pointed out in an earlier letter, he—the Minister—had already agreed that there was a serious problem in the affected area—that the community would have no public open space in which to conduct their sporting and recreational activities. Here let me say, too, that I feel the member for Wembley has let his people down. I suggest, in all seriousness, it is not sufficient merely to pass on to a Minister a series of resolutions agreed to at a public meeting. When a diabolical thing has been done, such as in this case, it is the responsibility of the member for the district to fight and keep on fighting.

Dr. Henn: How do you know I didn't?

Mr. GRAHAM: If the honourable member did, then he has been let down, and so have all of us, by the Minister for Town Planning; because I asked for all the papers to be laid on the Table of the House, and they were for a week.

Dr. Henn: Not necessarily by correspondence.

Mr. GRAHAM: Having for many years worked in the Public Service, and having had a great deal to do with it for many years since that time, I am aware that in public papers and in departmental files nothing counts so much as a page in a file, and religiously they note down interviews, deputations, letters, representations, and everything else; and there is no evidence on the file of any activities on the part of the honourable member.

Mr. Brand: Did you always put down every verbal approach?

Mr. GRAHAM: My word I did—for my own protection!

Mr. Brand: How you can stand up there and say that!

Mr. GRAHAM: I say it and I mean it. Let us have a look at the situation. If I, as Minister, made a decision about which there was strong and repeated public protest, and the parliamentary member for the district was disagreeing with my decision and supporting the viewpoint of the organisation in the district, is it likely that I or any Minister would have no reference made in the file? As I read out earlier—and we might as well have the record straight—

Mr. Oldfield: The member for the district let his people down.

Mr. GRAHAM: —when Mr. Stow waited on the Minister there was a file note which, although there is no signature to it, was no doubt put there by the Commissioner of Town Planning, and that is the customary practice. There is nothing clever in a Minister having a record for his own information as to whether representations were made, by whom, and at what time, and the nature of such representations. But none of those representations by the parliamentary member for the district appear on the records of the great bundle of files, about 12 or 14 inches high, which were laid on the Table of the House.

Dr. Henn: Did you when you were a Minister ever have any consultations with members of Parliament in the corridor?

Mr. GRAHAM: Yes.

Dr. Henn: Did you put down in the minutes every word?

Mr. GRAHAM: Definitely not. A matter such as this, which cuts right across policy, and which is an affront to some thousands of people, and which is condemning a delightful suburb to an existence for time immemorial of being without playing facilities for the young, the middle-aged, and the aged, is of such consequence that a few talks over a cup of tea, or up or down the corridors, do not suffice.

So I would submit to the honourable member that because the resolution before this House has been couched in temperate terms, I would expect the member for Wembley, amongst others, to support it. It could easily have been in a form designed to heap curses upon the head of the Minister, who was so irresponsible in his approach to his task and responsibility. Because the member for Wembley has not made the fight that it was his bounden duty to make on behalf of his people, I am inclined to include him in the category of the Premier and the Minister for Town Planning, by suggesting that party loyalty transcends his duty to his people. It is a terrible thing that the Government has done. It is something that, by and large, cannot be undone.

This case is not one of a difference of opinion, or judgment, between the Minister and the member for Balcatta, or anybody else. It is a shocking case of favouritism based on political considerations. Now the situation is that the damage has been done. What steps can be taken to undo it? I fancy I made some mention of some steps that could be taken, one of which could involve the Government—and this land as will be seen from evidence I have already quoted, is worth anything from £5,000 to £10,000 or more an acre—in considerable expenditure.

Is it the intention of the Government to acquire land to make good this otherwise perpetual damage it has done to a beautiful suburb, and to expect the taxpayers generally to meet the cost of the Government obliging the chairman of the selection committee for Liberal Party endorsement at elections? Or is the Perth Shire Council expected to raise a loan for the purpose of acquiring land; or are other subdividers to be hit a little harder than 10 per cent. in order to make up the woeful deficiency of open space in this area?

Councillor Griffith of the Perth Shire Council, in a statement appearing in *The Sunday Times* of the 20th July, 1963, said—

> "A council letter sent to the then acting Minister for Local Government said we had been caused considerable embarrassment by the decision.
>
> "The letter said it was the last occasion a three-acre area could be obtained for the benefit of the community in the district.
>
> "Every householder who bought land in the area expected open space would be available.
>
> "Instead Hale School is being allowed to sell land that should belong to the public.
>
> "A conservative estimate of its value as building blocks would exceed £12,000 for the three acres, the letter said."

Cr. Griffiths said the council could not buy the land except by raising a loan.

"We should not have to consider such a move, particularly when the interest and loan charges of the purchase would ultimately cost the council and the ratepayers between £25,000 and £30,000," he said.

Mr. Oldfield: What about Ravenswood?

Mr. GRAHAM: This community of some thousands of people cannot be left without parkland and playing areas. What course is to be taken? Is the Government to spend the taxpayers' money to repair the damage because of a political favour it did to a certain individual? Or are the ratepayers to be confronted with the prospect of a commitment of £25,000 to £30,000 in respect of three acres of land?

This, unfortunately, is not the only case of preferment being shown by the Minister for Town Planning. The member for Maylands interjected something about Ravenswood. I think most members are aware that there are regulations under the Town Planning Act which require that in all subdivisions fronting waterways—that is to say, the ocean or rivers—there shall be a minimum of 1½ chains reserved, and then one chain allowed for a road; in other words, a total of 2½ chains. In this subdivision at Ravenswood some of the lots have been permitted—and this was the Minister's decision—right down to the water's edge. So no longer will it be possible for the public to walk along the river bank.

Mr. Oldfield: That was the grant to the Church of England girls' school and boys' school.

Mr. GRAHAM: Irrespective of who it was for; it was also for the sale and lease of land to private people. In Shoalwater Bay, in the vicinity of Rockingham, recently the Minister has approved a subdivision which is within 100 feet of the high-water mark.

Mr. Oldfield: Contrary to the regulations.

Mr. GRAHAM: It is completely contrary to the regulations; it defies them. We see these actions on the part of the Minister showing favouritism to certain people. There is, for example, a very prominent person in the commercial world in the City of Perth whose subdivision that was. He was allowed to have more blocks in his subdivision, and to hell with the public! That was the attitude. So for all time, unless the public authority resumes the area at a cost of many thousands of pounds, there will be dwellings cheek by jowl with the lapping waters of the Indian Ocean. As I have said, these are shocking things.

I have before me a communication from a firm of surveyors and subdividers protesting at the action of the Minister. They give examples. I have been requested not to use the names; but if anybody is interested, I can supply the Town Planning application number. I will, however, read several lines as submitted in the manuscript from the firm of licensed surveyors. The first is as follows:—

> It has come to our notice that a proposed subdivision of 240 acres into approximately 10-acre lots will be approved without any demand for public open space.

The next one reads—

> Our client . . . was obliged to give 20 acres out of a subdivision of 200 acres into 10-acre lots.

There is a further statement which says—

> He was obliged to give 8 acres out of a subdivision of 85 acres into 10-acre lots.

Mr. Lewis: Where are these?

Mr. GRAHAM: I do not think I am at liberty to disclose that fact; not publicly, anyway. I have no objection to giving the Minister the reference so that he can look it up.

Mr. Lewis: I was wondering if they had anything to do with the Hale School proposition.

Mr. GRAHAM: No; but they suggest to me that if certain people can get the sympathetic ear of the Minister, then, irrespective of the procedure, and even in spite of a matter so important that the Government takes the issue to the High Court of Australia, these persons can get away with murder; whereas the ordinary people are bound to carry the responsibility in the public interest.

In my district of Osborne Park, goodness knows how many people have come to me complaining that they were pioneers, and that they had a certain amount of land; and, now they are subdividing, they are objecting that so many acres should have to be set aside for public purposes. At this stage, I am not suggesting whether the procedure is right or wrong; but as it is a procedure which has been in operation for many years, the responsible Minister should have only the soundest and most profound reasons in the world for departing from it. He should not make a decision merely to oblige somebody who holds an important and influential post in the political world.

I declare the Minister made an unwarranted decision based entirely on political considerations; without any reason, and with complete disregard for public interest. The action of the Minister in this matter makes him so culpable that, in my view, there should not be a motion of protest, but a motion of censure against him. Because of his part in it I am not so certain that the Premier should not be included.

Further, because of this particular case, the subject of the motion, and other instances to which I have made some oblique reference, I am wondering whether we should not go further still and move for an inquiry into the actions and decisions of the Minister. Under the Act he is set up as an authority: the final court of appeal. Nobody can go beyond him. In those circumstances, one would expect he would exercise his discretion to the finest degree, and that he would require the most compelling reasons to make him depart from an established practice; more especially in an area which is unfortunately situated in respect of public open space, as is the suburb of Wembley Downs.

So the resolution, which merely deplores the action of the Minister, could well be couched in stronger terms. It is my hope there will be something more in this debate than an endeavour to save political skins; because if this is allowed to pass unchallenged other than from this side of the House, then the Minister will have the green light to repeat this sort of thing on future occasions.

This idea of 10 per cent. is no conception of mine; it is one that has been evolved over the years and, by and large, has been applied fairly. If the Minister honestly felt that in case A or B, or case Y or Z, there were circumstances sufficient to absolve an applicant for subdivision from the requirement of forgoing 10 per cent. of his land, all well and good; but having regard for the circumstances of Wembley Downs, which were not unknown personally to the Minister, and which had been represented to him by the Perth Shire Council, and by other people, it is a damnable thing the Minister did.

Even if that point had not been previously raised with the Minister then, how shallow his approach to the question that he will hear an appeal from an applicant, an individual representing a board of governors, but will lock the door in the face of a large and responsible public authority like the Perth Shire Council? The Minister would not supply them or anybody else with reasons for his decisions because he has not got any.

I suggest now that whoever has the unenviable task of endeavouring to justify the action of the Minister for Town Planning, it will be utterly and completely impossible for him to give one reason that will hold water, because an area comprising in the ultimate thousands of citizens, young and old, and west of a certain semi-arterial road is without one acre of open space. How can the Minister justify such action? All he can suggest, perhaps, is that out of sympathy he helped the Hale School authorities, who had already been exceedingly generously treated.

Surely the Government could have decided to make them a financial grant. But giving away what was virtually public estate, at the sacrifice of the welfare and interests of the public, is something that one would not expect from any responsible Minister. So this motion is to register the protest of this House and indicate that we all agree with the several authorities—the Perth Shire Council, the Wembley Downs Civic Association, the Wembley Downs Parents & Citizens' Association, and the Town Planning Board; because I have already indicated the Town Planning Commissioner himself said that the Hale School authorities had been generously treated and he (Mr. Lloyd) very much doubted whether the board would be prepared to vary its original decision, which was not excessive in any way, but merely conformed with customary practice.

I will be more than disappointed if members do not take advantage of this opportunity of registering their protest in order to see that the interest of the community is protected from now onwards, even if it be too late to do something in respect of the unfortunate people who reside and will reside at Wembley Downs.

Debate adjourned, on motion by Mr. Lewis (Minister for Education).

FIRE BRIGADES ACT

Amendment of Regulation 124: Motion

MR. FLETCHER (Fremantle) [8.4 p.m.] I move—

> That the regulations made under the Fire Brigades Act, 1942-1959, as published in the *Government Gazette* on the 29th March, 1961, be amended as follows:—
>
> > Regulation 124—Uniforms.—Insert after the words, "undress jacket" in lines 1 and 2, the words, "naval-type Burberry overcoat."

Regulation 124 would then read as follows:—

> The uniform of the Brigade shall consist of a tunic, undress jacket, naval-type Burberry overcoat, woollen sweater for winter, light coat for station work, trousers, peak cap, boots, flap cap, helmet, axe, hose and nozzle spanner, belt and two pouches, or as may be otherwise determined from time to time by the Board.

This issue is non-controversial; and, in the absence of the Minister responsible, I hope my pleas will not fall on deaf ears. I hope the Premier will take cognisance of what I have to say in this respect, which will only take me a few minutes. Therefore, I ask for his attention.

The request arises as a result of correspondence addressed to me from the Fire Brigade Officers' Association Union of

Workers (Coastal Districts) Western Australia, of the Trades Hall, 6 Collie Street, Fremantle. The letter is dated the 17th September and reads as follows:—

> At a recent meeting of the above Association, I was instructed to offer to you the sincere thanks of the Membership for the way in which you introduced the recent deputation to the Hon. Minister, Mr. Hutchinson, M.L.A. We also desire to thank you for the record of answers received from Mr. Hutchinson, for these have enabled us to grasp a better understanding of the disciplinary code.
>
> I have also been instructed to request you to look into the Fire Brigade Act and Regulations with regard to the possibility of having included the issue of overcoats to Officers. Whilst we fully realise that with Parliament in session, your very valuable time is limited, we would be most grateful for your comments in this respect.
>
> Yours fraternally,
> Colin S. Ford,
> Secretary.

As I said before, this motion is the result of the request made to me in this correspondence. The issue of the equipment mentioned in regulation 124 is common to the officers and firemen. I asked the secretary concerned if he wanted overcoats only for the officers, and he informed me that he required them for firemen also. In short, I suggest that the granting of the issue of this garment by the Minister on behalf of the Government would contribute to the comfort of the wearer, the neatness of his appearance, and the raising of the individual and service morale. The word "uniform" suggests "uniformity," —not drab uniformity, but neat, business-like, utilitarian uniformity to a standard; and I have suggested a standard in the form of this particular type of overcoat.

Unfortunately the position at present is that members of the fire brigades arrive in tweed coats of many colours—including greys, greens, fawns, and browns—over uniform trousers and jackets. These various types of garments detract from the appearance of those who wear them. The men concerned are conscious of their appearance in the wet weather. When they are in public transport or on the street they are conscious of the fact that as fire brigade personnel, they are dressed in a motley array of various garments.

Many of us here can remember being in service uniform and will agree that its neatness gave the wearer a lift because it was good to look at. I ask the House, the Premier, and the Government to consider the public image created as a result of better-dressed firemen; and I make the plea accordingly on their behalf.

Naturally, as an ex-naval man, I settle for the Burberry. It can be worn for years and retains its appearance. In fact, the wartime one I had in my possession was disposed of only recently at a jumble sale. I frequently pass it in the streets of Fremantle, and after all those years that coat still looks good.

Reading the fire brigade regulations reminds one of the K.R. and A.I's. and A.F.O's. of service days, which illustrates that the brigades are run on service lines, and their clothing issue would be complete if their uniform included a naval-type coat. It is necessary for me to quote other services which are issued with overcoats: the Navy, the Army, and the Air Force, which are a Commonwealth responsibility. To see these men on parade—particularly the naval men—does catch the eye. All are encouraged to take an interest in the maintenance of a uniform appearance —and so are the firemen. They are encouraged to do likewise. They look splendid on parade, but not in the street wearing the type of overcoat which they have to wear at present. I ask the Government and the Minister to assist me to raise their status in the public eye.

To justify my request I will mention the police personnel. Apart from their impressive uniform—and it is impressive—under regulation 149 some members receive a mackintosh and a greatcoat—in effect, two overcoats. Every two years, if it is required, they receive one mackintosh; and every four years, one greatcoat. We are proud of our police and of their appearance, and I would suggest to the House we could be equally proud of our firemen if they were similarly equipped with regard to overcoats.

Another example is the gaol officers who receive a greatcoat every five years, and sooner if it is necessary as a result of, say, unusual or unexpected damage. The M.T.T. employees, who are ex-tramway employees, are still in possession of the overcoats they received. All of these are employees of Government departments. The precedent has been created; and the fire brigade personnel are aware that it has been created in the manner I have mentioned. Therefore they have asked me to bring this matter before the attention of the Minister and the Government, as they feel sure the Minister would not condone discrimination against those who come under the umbrella of his portfolio. Still, such an umbrella is useless without the Burberry to match.

I would now like members to listen to the case of the Perth City Council parking meter attendants' clothing issue. Apart from the eye-catching uniform, of which the wearer and the city can be proud, investigations reveal that overcoats are included. The original issue they received was one garbardine overcoat, purchased

at a price of £15. Those coats were easily stained because they were light in colour. Therefore the employees are now wearing bri-nylon overcoats purchased at a price of £4 4s. wholesale. According to an official whom I rang this afternoon, consideration is being given at the moment to issuing those employees with leather short-coats, the purchase price of which is £15, on the ground that they will wear for many years.

If the Perth City Council can do that for its employees, I suggest to the Government and the Minister that similar consideration can and should be shown to the officers and men employed in the fire brigades. Those men will not feel disadvantaged if they have an outfit of which they can be justifiably proud. On the other hand, fire brigade personnel feel they are disadvantaged. Research by the union official concerned revealed conditions in the Eastern States regarding fire brigade personnel.

I received a telephone call at 5.30 p.m. this evening from the union official. He told me that in Tasmania men and officers of fire brigades receive greatcoats. In Victoria they have recently broken through —during the last three months—and they now receive Burberry overcoats. It is a strange coincidence that they are in receipt of Burberry greatcoats, in view of the fact that I prepared my motion some days ago, not knowing Victorian brigade men were then in receipt of this type of coat.

The union official's inquiries have revealed the following facts and the union members are aware of them. Western Australian personnel buy their own coats, and as a consequence their salaries are reduced to that extent. They are disadvantaged in relation to their Eastern States counterparts.

Officers on the job and in the field are not always physically active; but on parade and during demonstrations they are, generally speaking in the public eye. Are they expected to wear oilskins on those occasions; or multi-coloured tweed overcoats; or are they to be allowed to shiver in their uniforms?

In the past I have levelled criticism at the Government for its preoccupation with interests other than the interests of wages and salaried personnel. I now suggest to the Premier and to other front bench members that here is a splendid opportunity to demonstrate the contrary. Demonstrate to me that I am not always correct in such accusations. I would ask the Government to grant me this amendment.

Debate adjourned, on motion by Mr. Brand (Premier).

BUSH FIRES ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

TOTALISATOR AGENCY BOARD BETTING ACT AMENDMENT BILL (No. 2)

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [8.19 p.m.]: I move—

That the Bill be now read a second time.

This Bill is similar in principle to one introduced by me last year, which was defeated on the casting vote of the Speaker. The division of opinion was not very wide on the merits of the Bill.

The Bill differs in this respect: that it does not propose to use the whole of the funds for the single purpose which was mentioned last session, but it is intended that the money shall be divided equally and be made available for two very worthy purposes—firstly, the Old People's Welfare Council, for the use of their members in various directions; and, secondly, for a trust to be set up which will use the money for the benefit of severely physically handicapped children.

I have long felt the need for a special fund in this State which could be utilised to help individuals out of a very serious difficulty. It has seemed to me to be quite wrong that because of circumstances beyond the control of certain persons, they unfortunately should be forced to face very considerable expense well above their means and have the greatest difficulty in leading a normal life.

I can recall a case which occurred in my own district, where a youngster at birth was very seriously deformed. The services of a nurse or a doctor had to be obtained twice a day every day to attend to that child so that it could carry out the normal functions of the body. It was a very costly business for the parents. I was able to get the R.S.L. to assist. Some representations were made to the Premier in connection with the matter, and it was suggested at the time that some special fund might be set up to meet cases of this sort.

Nothing eventuated, and all that happens is that when we get a very bad case, then some people who are very concerned about the matter take the initiative. They make a public appeal, funds are raised, and in that way the unfortunate individual is helped.

We had a recent case of an unfortunate child whose picture appeared in *The West Australian* on the 24th August. The appeal was made on her behalf by Ngal-a

Mothercraft Home. The heading in the newspaper was, "£5,000 needed to aid limbless girl." From the picture of this tiny little mite, she appeared to be a delightful child. But she has this unfortunate disability which, of course, will be a very severe handicap to her right throughout her life.

It is necessary that she be given special training, and be specially looked after, and no money was available for the purpose. So a public appeal was made. An excellent response followed, and more than the £5,000 needed was obtained for the purpose of looking after this little girl, Mary, who was born without arms and legs.

There are dozens of similar cases. I do not necessarily mean that there are dozens of youngsters born without arms and legs, although there are a number of those. But there are many cases where special assistance is desirable and necessary; and unless some organisation or some public-spirited person takes up the matter, the parents battle alone, get heavily into debt, and cannot do the proper thing by the unfortunate child concerned.

I see an opportunity of setting up a special trust, whose responsibility it will be to utilise the funds which will be made available to it to look after cases of this sort—cases, of course, which make a very strong appeal to the sympathy of most people.

I was very struck by the following article which appeared in *The West Australian* on the 14th September this year:—

> Youth Offers To Sell Himself.
>
> An accountancy student in Perth wants to sell himself to help Mary, W.A.'s limbless baby. He is George Ong (19), from Singapore.
>
> He is willing to become an unofficial foster-son to any couple who will donate £1,000 or more to the appeal fund for Mary.
>
> "I have lain awake worrying how to help the baby—and I have decided the most valuable thing I can have to sell is myself," Mr. Ong, who lodges in Lincoln Street, Highgate, said yesterday.
>
> "I thought perhaps I might be bought by someone who has no son of their own. I would work for them throughout my summer holidays during the five years I shall be in Perth, and I would keep in touch after I returned to Singapore.
>
> "I have real parents at home, but when I write and explain why I am doing this I am sure they will understand."
>
> Mr. Ong, who has been a voluntary worker for charities since he was 15, said he was prompted to make his offer because he had two young sisters of his own.
>
> "I thought how easily they might have been born handicapped like this baby," he said.
>
> "We are lucky that our family is healthy and strong. To show my gratitude for our good fortune, I feel I must do all I can to give Mary a good life too."

That was the reaction of a very sincere young man who was deeply touched by the unfortunate plight of this child. This is not an isolated case. Throughout life, numbers of such unfortunate cases occur, and it remains for some organisation or some person to take the initiative and make a public appeal to do something.

I think it is time we established something worth while in the way of a trust and ensured that ample funds were made available to the trust to do work of this nature; and that is one of the purposes of the Bill which is now before the House.

The other purpose is to help the aged people, who have made their contribution to the development of Western Australia, to obtain some amenities in the evening of their lives. They are struggling now, some of them living in solitude, with insufficient recreation, unable to get about and meet friends because of the lack of facilities. If we can assist the Old People's Welfare Council with adequate funds, the council has the organisation and personnel to make the provision which is so highly desirable.

Under the heading of "Perth's Aged May Get Centre In The City", the following article appeared in *The West Australian* of the 28th August, 1963:—

> The Old People's Welfare Council of W.A. is exploring means of establishing such a centre near the main city block.
>
> There, elderly people could obtain refreshment or rest while in the city, and the lonely could find companionship.
>
> In the annual report released yesterday, the council chairman, Mr. Charles Harper, said such a centre would require the financial support of the Government and the Perth City Council, in conjunction with voluntary public support.
>
> Geriatric Groups
>
> The national council had formed a steering committee to initiate the formation of geriatric groups in each State.
>
> Each group would be a member of the Australian Geriatric Association, and would be affiliated with the International Association of Gerontology, which would hold its sixth International Congress at Copenhagen later this month.

Geriatric groups should consist of a physician surgeon, orthopaedic surgeon, representatives of nursing services, visiting services and almoners.

The W.A. Council was negotiating with the Adult Education Board to hold classes to educate people in preparation for retirement.

The Golden Age Club and Visiting Service to lonely housebound people continued to expand. An increase in the number of voluntary drivers had enabled many more elderly people to be taken out on regular outings.

The council's first street appeal, held in June, raised £559 7s. 2d.

There is a very worthy organisation trying to do an extremely worth-while and large amount of work on a pittance. How much of that class of work could be done with £1,000? Its work requires large amounts of money so that these centres for the aged may be established and all the ancillary clubs—such as the Golden Age Club and the like—can have the funds which the voluntary workers will use to bring pleasure and happiness to the lives of the old people. Most people would be sympathetic to the idea. But, as I was reminded many years ago by a very thoughtful person who, unfortunately, is now dead, "Sympathy without relief is like mustard without beef"; and if we are sympathetic to these people we should give some practical demonstration of our sympathy by granting them the necessary amount of money to carry out the job with which we are in sympathy, or think we are.

I have indicated two very worth-while projects which must be assisted by somebody and which should not be left to depend upon the offerings, made from time to time, by members of the general public. Fortunately, there is available a sum of money which, if it were made available to these two organisations, would not hurt anybody. By its being made available it would not cost the Government anything. It belongs to people who cannot get it back, so they would not lose anything; and it could be made available for the two purposes I have mentioned.

The sum of money to which I refer is to be found in the unclaimed dividends of the Totalisator Agency Board. I asked questions this year, and the answers to them appeared in No. 17 of the *Votes and Proceedings* dated Tuesday, the 10th September, 1963. The questions I asked, and the answers the Minister gave, are as follows:—

(1) What is the total amount of unclaimed dividends which have been taken into the funds of the T.A.B. since its establishment?

(2) Of this amount, how much is in connection with the operations of the board for the twelve months ended 31st July, 1963?

Mr. Craig replied,—

(1) £58,818.

(2) £43,649.

From those answers it can be seen that in the 12 months to the 31st July, 1963,—a 12 months' period only—no less a sum than £43,649—which really belongs to unfortunate bettors—has fallen into the hands of the Totalisator Agency Board and will ultimately drop into the laps of the racing and trotting clubs to be used for increased stakes, installing escalators, and enlarging bars for drinking and the like, which are things which could not possibly be compared to helping physically-handicapped children or providing centres for the aged. There is no possible comparison!

When I introduced a similar Bill last year, the Minister—on behalf of the Government—spoke against it, because, he said, the racing clubs could not afford to lose the money. That is all he had against the proposition. On page 1787 of vol. No. 2 of the 1962 *Parliamentary Debates*, the Minister will be found to have said this—

> As matters now stand, it is essential—

I ask members to note that word "essential". Continuing—

> that revenue from unclaimed dividends be retained by the board to form part of the surplus money to be distributed to the racing and trotting bodies. I would remind all concerned that when the original measure was before the House in 1960 the Government made it clear that the matter of paramount importance with off-course betting was the preservation and expansion of the racing and trotting industry. This is consistent with the Government's attitude on any industry. Nothing has happened since the legislation first became operative to warrant a change at this stage.
>
> The racing and trotting bodies definitely need the revenue obtained from the unclaimed dividends. Therefore, I am opposed to the Bill, notwithstanding it has been advanced mainly to aid old people in need of help. But to allow it to go through would be tantamount to breaking the agreement reached with the racing and trotting bodies.

So, to sum up, it became a question of weighing up whether it was better to give the money to the old people or to the racing clubs. The Government's attitude was: "It is essential that it should

go to the racing bodies"; and so the proposition was defeated on the casting vote of the Speaker.

According to the official report for the past 12 months which was tabled in this House this year, it is found that the financial assistance received by the racing and trotting bodies was that, of an available surplus of £366,384 for distribution to the clubs, the West Australian Turf Club received £184,052; the country racing clubs £46,013; the Western Australian Trotting Association £115,871; and the country trotting clubs £20,448, which surplus represented about 2.91 per cent. of the board's turnover. Surely it cannot be argued now that it is essential that these unclaimed dividends be added to the sum of £366,000 odd paid to racing and trotting clubs!

In the circumstances, it should not take 20 seconds for us to decide that these unclaimed dividends, which belong neither to the board nor to the racing clubs, should go to the two worthy institutions which I have mentioned: half of it—about £20,000 a year—to go to the Old People's Welfare Council; and the other half—about £20,000 a year—to a trust to be set up which will look after physically-handicapped children. Do not tell me that that would not be a much more worthy use of the money than adding it to the £366,000 odd which was paid to the racing and trotting clubs over a period of 12 months!

Let us see how the T.A.B. gets the money. In the first place, I would say it is not entitled to quite a lot of it; but, nevertheless, it still takes it. It is a most remarkable circumstance that there could be such a sum as £43,000 unclaimed money; unclaimed because the bettors have lost or defaced their tickets, or some employee of the T.A.B. has made a mistake. It would not be the bettor making the mistake, but some employee of the T.A.B., and the bettor is left to carry the responsibility.

On the 14th September this year, there appeared in the Press an article by Mr. Collingwood who did me much less than justice—not that I worry about that, because I have never expected any justice from newspapers ever since I have been in Parliament, but it does help one occasionally to feel there is a little fairness shown.

Members would agree with me, I think, when I say that when I dealt with this question last year I was at some pains to point out that this money did not belong to the T.A.B. and should have gone to the punters, but I did not get much credit for that effort in this article which I propose to read. The reason why I propose to read it is that it emphasises my own attitude towards this matter.

The following is the article which appeared in *The West Australian* of the 14th September:—

Lost Tickets Grumble

Opposition Deputy Leader Tonkin, in harkening to the sweet chimes that greet all do-gooders, has almost forgotten his old pals, the punters. On Tuesday he gave notice of his intention to introduce two Bills with the aim of diverting this year's cache of about £40,000 in unclaimed T.A.B. dividends from race clubs to charity.

This is piety without pity, because the deceptive heading of unclaimed dividends doesn't hoodwink everyone. In language of downright simplicity it represents the winnings that rightfully belong to punters, most of whom are aware they have contributed to this hoard and would gladly join an overnight queue and claim their dividends—if they could. But such claims would have as much success as a modern Don Quixote breaking a lance against a windless windmill: T.A.B. regulations against payment on lost tickets are as steadfast as a stop sign.

Obviously all claims on lost tickets cannot be entertained and some are suspect, but there have been pleas that deserved more consideration than they got under the T.A.B's blanket ban. Indeed, this refusal by the board to revive its practice of paying on lost-ticket claims has aroused the ire of many backers to a greater extent than the Government's off-course investment tax, which is about as popular as the levy that started the Boston tea party.

Unlucky Backer

Earlier this year a backer lost a T.A.B. ticket and claimed that he reported the loss 7 hours before the running of the race and that the agency manager saw the ticket purchased. The ticket, when the horse ran second, was worth more than £50. But a regulation introduced in June, 1961, made it arbitrary that all claims on lost tickets be refused, except in cases where the board contributed to the loss through giving out wrong information.

Punters' entreaties on the lost-ticket, no-payment edict are heard only as faint murmurings in political circles, where pressure could be initiated but isn't; and where at one time there were some not-very-sophisticated debates on the wisdom of W.A's change-over from the S.P. bookie-barons to the off-course tote-agency system. There were then some politicians whose barracking for a cause without a flag was accompanied by catcalls against racing, but at no

time during these denunciations did they go on record as shunning the cool million that it provides annually in taxes and which does not cost a taxi fare to collect.

This massive contribution, it might be thought, would have stirred a sympathetic affection among politicians for the nameless donors, and an understanding of their grievances, but apparently not: neither is there much hope that the tote wizards, who invented the mechanical monster and have seen its tentacles encroach off-course, will devise a method that will stamp a backer's identity and stop the squabbling about lost tickets.

Politicians, some of whom have been racegoers and who have experienced not only the pleasures of winning but that warm affinity in adversity known only to lovers and losing punters, now are to be asked to vote on the fate of the punters' pence, which, if backers can't collect it, at least is being ploughed back at present into racing for the benefit of those who patronise the courses.

It seems to me that this writer had 5s. each way. To continue with the article—

As for those who bet off the course only, the obvious tip—if funds will allow it—is that they should establish a T.A.B. account and be on Nicopolis by phone. This leaves the backer with no winning ticket to tear up.

This writer clearly understands the situation, but what apparently he does not know is that this very claim, which he urges on behalf of punters, has been put before this Assembly on a number of occasions in much more forcible language than he used in the article.

On previous occasions I quoted cases to illustrate my argument, and I shall quote more on this occasion. In my view they will show clearly that the people were being robbed. It is idle to liken the T.A.B. to a totalisator, or to say that because it is a totalisator it should do what totalisators all over the world do; that is, not pay out on a lost ticket. One cannot make a beetle into a kangaroo by claiming it to be a kangaroo; it is still a beetle. If the local T.A.B. receives money from bettors, as it does in connection with Melbourne races, and it does not pay even sixpence of that money into either a pool which it conducts or on a totalisator on a racecourse, how can it be regarded as a totalisator?

With regard to Melbourne races, not sixpence of the money it holds is either invested in a totalisator pool conducted by itself, or invested in a totalisator on a racecourse. All the money is held by the T.A.B. acting as a bookmaker, and when the result of the race is known the board pays out in accordance with the dividends declared on the course where it has not invested sixpence. Does that make it a totalisator?

Mr. Bovell: What has that got to do with lost tickets?

Mr. TONKIN: The board is operating purely and simply as a bookmaker, but calls itself a totalisator. It has a lot to do with lost tickets because it is from this source that the board derives money.

Mr. Craig: It has nothing to do with the betting system.

Mr. TONKIN: It has a lot to do with it. The Minister does not understand the proposition. One of the reasons given by the T.A.B. for not paying out on lost tickets, even when it is assured the person claiming the money is entitled to receive it, is that it regards itself as a totalisator and totalisators do not pay out on lost tickets.

Mr. Bovell: You were talking about Eastern States betting.

Mr. TONKIN: Only by way of illustration to prove why, in regard to Eastern States betting, it cannot claim to be a totalisator. I agree so far as local betting is concerned the board in respect of a large proportion of the money it holds—not all of it—is acting as a totalisator. In those circumstances there might be some justification for not paying out, because totalisators do not pay out on lost tickets. But bookmakers do pay out on lost tickets, and they have to; so when the T.A.B. operates as a bookmaker it should also pay out.

Mr. Craig: Do the licensed off-course bookmakers pay out on lost tickets?

Mr. TONKIN: Yes, always. Where the punter can establish he has made a wager and lost his ticket, he has always been paid. That is within my personal knowledge.

Mr. Craig: I understood they were not always paid.

Mr. TONKIN: I can honestly say that I am not aware of a single instance where the punter was refused payment when he lost his ticket. The odd punter who tries to put it over the bookmaker, would not try a second time, because the licensed bookmakers, through their close contact with clients, would know with almost complete certainty.

I have before me a letter from the secretary of the T.A.B. addressed to me after I had made representations on behalf of an old age pensioner. Some people might say that these folk have no right to bet, but I am not one of those. If an old age pensioner can derive an afternoon's enjoyment by investing 2s. 6d. or 5s. why should he not do so? If he can get his fun that way, even though he might be misguided, he should be permitted to do so. Why should he be robbed of his earnings on the rare occasion he is entitled to receive the money?

The person in question who came to see me had a ticket stamped, "The field. No. 10." The investment was 5s. Obviously no-one can purchase a ticket on the field for 5s. He told me that he asked for horses No. 12 and No. 10 in the two races, but I would not be sure of the numbers. The fact is the two horses he asked for won the respective races. He told me he asked for horses No. 12 and No. 10, and advised me that it was his custom when he got his ticket to write the numbers of the horses in the corner thereof. He showed me the ticket with the numbers on it.

The ticket he was issued had a funny little sign which only the initiated would understand. It did not mean anything to me. It indicated it was a ticket on the field and on No. 10. Obviously if No. 10 won he must have had a winning ticket, because it was coupled with every horse in the field. The board refused to pay on the grounds that he could not possibly have got a ticket on the field for 5s. so it offered him a refund of the 5s. But this person was entitled to about £140.

The following was the letter addressed to me after I had made representations on that person's behalf:—

> Dear Sir,
>
> *Re: Agency No. 21*
>
> In response to your telephone inquiry this date regarding the claim lodged by Mr. J. T. Prendergast, I have to advise that the papers on this subject have been re-examined, and it has been decided that the advice already given to the investor is confirmed, that is, a refund of 5s. 3d. will be paid on presentation of the ticket.

That was the offer when the person was entitled to £140! Obviously the officer of the T.A.B. had made a mistake in pressing the key "the field" instead of "No. 12." Why should the bettor be penalised because he is given a ticket which normally would have cost £4? Obviously a mistake was made by the employee of the board. What law in this country absolves an employer from responsibility for failure on the part of his agent? In this case the T.A.B. puts the responsibility on the bettor and says what this person should have done was to check his ticket after he had got it, and that he should have found the mistake, returned the ticket, and had it corrected.

Well, that is all right in theory. How many times do members leave their glasses on the table at home? They should not do so; they should put them in their pocket before they leave. But do they do it? Of course they do not; and it is understandable that in the excitement of a race, a person might go to the counter and rely on the efficiency of the man behind the till. He will get his ticket, and it might be his practice to look at it; but someone comes up and talks to him at that moment and he puts the ticket in his pocket without thinking any more about it. Then he finds out too late that there has been a mistake; but the board does not suffer any loss. It throws the responsibility on the bettor. Now I suggested to this man that he go and see a lawyer, and I think he will get his money. I hope he will, anyway.

Mr. Craig: This is not actually an unclaimed dividend.

Mr. TONKIN: No; but it is what they call it. It is all in the same pool. The board does not have any separate sections for unclaimed dividends and lost tickets and damaged tickets. It puts them all in as unclaimed dividends. Of course they are not unclaimed dividends. Most of them are claimed; but that is as far as they get.

Mr. J. Hegney: That is the money that ought to be set aside to help old-aged pensioners.

Mr. TONKIN: Yes; what right have the racing clubs to it? I have another case here. I have the ticket, which is on a Melbourne race, so obviously in connection with this the T.A.B. was acting as a bookmaker. Under no circumstances whatever can the board, with regard to this wager, be considered a totalisator, because it does not invest on totalisators on Melbourne races. It holds the money as a bookmaker.

Now, it is the custom of this bettor, who is a fairly big bettor, to select three or four horses in an afternoon and to invest a substantial sum on the whole lot at the one time. Therefore, he gets his tickets in rotation or consecutively. On this particular occasion he got four tickets. According to this ticket I have here he invested 10 units for a win—that is, £2 10s.; and 30 units for a place—that is, £7 10s. So it appears that his method of wagering was £2 10s. straight out, and £7 10s. for a place on each of the four horses, or a total investment of £40.

This ticket is No. 7726. Actually he bought tickets 7725, 7726, 7727, and 7728. Only one of his wagers, apparently, was successful; but he made a mistake in the ticket which had been the successful wager, and he destroyed the winning ticket, which was 7725. He went along to the agency and was able to prove beyond any doubt that he made the four wagers. He mentioned that he had lost his ticket, and in due course he received the following letter:—

> Reference is made to your letter received on 10th September, 1963, and the interview with me on that same date.

> A check of the records of that agency shows that ticket No. 7725 on which a dividend is payable is still outstanding. No doubt this is the ticket, the subject of your claim.

Of course there is no possible doubt; no one has claimed it; the agent knows he bought four tickets with consecutive numbers; he knows the amount of the wager which the bettor was able to state; it coincides with the duplicate of the ticket. There is no possible room for doubt as to whom that ticket belongs. Let us continue with the letter—

> It is with regret that I can only reiterate the advice I gave to you personally that the Board is not permitted under its Regulation to make payments of dividends without receiving the relative totalisator ticket from the investor.

One can almost hear the tears in his voice—"It is with regret that I reiterate the advice I gave to you personally that the board is not permitted under its regulations to make payment of dividends without receiving the relevant totalisator ticket from the investor." Then he goes on to quote the regulation 19 (2a) which he made, of course, to stop him from paying, and it reads as follows—

> A dividend or refund in respect of a bet in cash made with the Board shall be paid only upon the presentation and surrender, at the totalisator agency where it was issued, of the totalisator ticket issued by the Board for that bet.

> As I stated to you, the provision in the above regulation is not unusual and only follows the practice generally adopted universally in the different forms of totalisator betting.

Well, I would agree with that; but this wagering on Eastern States races is not a form of totalisator betting. That is the point that is overlooked by the board. It is acting as a bookmaker, and it is not entitled to apply to itself as a bookmaker, rules which apply only to totalisators.

Mr. Craig: You said they ran their own totalisator pool in the Eastern States.

Mr. TONKIN: I said they did *not*.

Mr. Craig: Would you prefer them to do so?

Mr. TONKIN: So long as they were putting out the proper dividends—

Mr. Craig: I am asking, would you prefer them to operate as a separate pool?

Mr. TONKIN: What I want the Minister to do and what I have been asking him to do for years is to obey the law. That is all I want him to do—obey the provisions of the Totalisator Agency Board Betting Act.

Mr. Craig: Explain how we are breaking it.

Mr. Bovell: Not now, thanks!

Mr. TONKIN: The letter continues—

> In the issue of tickets the Board and the bettor are both bound by this regulation—

That is a laugh—the board and the bettor are bound by this regulation, a regulation designed in the interests of the board only and from which the bettor can get no possible advantage! The letter continues—

> In the issue of tickets the Board and the bettor are both bound by this regulation and there are no grounds by which it can be avoided.
>
> Efforts are made by the display of distinctive notices in all Agencies to encourage investors to take proper care of their tickets and warning of the consequences otherwise.

Well, we might put up notices in trains, "Do not leave umbrellas behind", and put up notices in hotels, "Do not leave your hats behind"; but it would not make any difference, because people would still leave their umbrellas and hats behind—and they will go on losing their tickets. I venture to suggest that there is not a person in this House who has not at some time or other left something behind which he should have taken with him.

Mr. J. Hegney: That's a safe bet, I would think.

Mr. TONKIN: Therefore, this talk about putting up distinctive notices is a lot of nonsense. All that is wanted is a reasonable and fair approach to this situation, and where it can be established beyond all possible doubt that a person is entitled to money he ought to get it; otherwise, it is legalised robbery. It would not be tolerated anywhere else.

Suppose we tried it with the Lotteries Commission; suppose we tried to introduce something there that if a person won first prize and did not produce his ticket, under no circumstances would he be paid the money! How long would the Lotteries last? The Lotteries will pay, and they go to a considerable deal of trouble to establish who is entitled to the money. They pay it when they become satisfied beyond reasonable doubt that the person who is claiming is entitled to the money—and it has been done more than once. But, of course, these are only the poor misguided punters. They are not entitled to any consideration, according to the board. They should read the notice and not lose their tickets.

Mr. Craig: You say all the money should go back to the punters who lose their tickets?

Mr. TONKIN: I am not saying that at all. In some cases it would be quite impossible to be sure that the person who is claiming is entitled to the money; and

in a number of cases no claim is made because the punter is unaware he has a winning ticket. What I am saying is that in every circumstance without exception, where it can be proved beyond reasonable doubt that the person claiming is entitled to the money, he should get it. That is what I am saying.

Mr. Craig: If they all got the money back you would not have any money left in the fund—

Mr. TONKIN: Not any money?

Mr. Craig: —you want to create.

Mr. TONKIN: Is the Minister saying I would not have any money? He knows that is a lot of nonsense. The Minister has not the slightest idea as to how much of this money is a result of no claims at all being made.

Mr. Craig: No.

Mr. TONKIN: Of course he has not, and if I asked him for the information I would be told that there are no records from which the information can be obtained.

Mr. Craig: I did not say I had the information.

Mr. TONKIN: If the Minister does not have the information his interjection was nonsensical.

Mr. Craig: I say that you are defeating your purpose.

Mr. TONKIN: Oh no I am not! My own opinion is that if all the proper claims that are being made—all the genuine claims—and being established beyond doubt were met, there would still be at least £25,000 a year available, and that is a tidy sum. To complete this letter—

> The Board itself by its inability to make this payment does not gain. The amount is held for a period of six months after one month later than the date of the investment and then reverts to the general funds for distribution to the racing and trotting authorities for the betterment of racing and trotting.

That is a lot of satisfaction to the man who is being denied the money to which he is rightfully entitled, is it not? To be told the board does not get the money, but that it is paid to the racing clubs! Have they more right to it than the man who owns it? The letter concludes—

> I regret, therefore, that no payment can be made to you unless the relative ticket can be produced.
>
> Your ticket No. 7726 is returned herewith.

They know the ticket is outstanding; they have no doubt whatever that this is the man who bought the winning ticket, but they are content to take his money knowing full well that there is no-one in a position to produce that ticket. In no other walk of life would that be tolerated, but it is tolerated here on the pretence that it is only doing what applies to totalisators, even though, with regard to this class of investment, it is not a totalisator at all.

That attitude, in my opinion, cannot be defended. It is no good sending this man to a lawyer, because I very much doubt whether he could collect, as he is in a somewhat different category from the other illustration I used, where the man can produce a winning ticket but still cannot be paid.

There are hundreds of such cases, with the result that this very large sum—£43,649, last year; and of course it will grow in size as the operations of the board extend—or a large proportion of it, but by no means all of it—my guess is about half of it—remains with the T.A.B. to be handed over to the racing clubs for their benefit when they have no right or title to it in any shape or form. Not only does the bettor lose his winnings, but also his investment—his stake. He cannot even get that back even though there is no doubt that in a number of cases the person claiming is the man who made the wager.

I think it is time something was done about this situation; and it can happen the same as it does on the racecourse with bookmakers and the Turf Club. Some scheme could quite easily be devised whereby, if it is proved beyond any possible doubt—and that could easily be done in a number of cases—that the person claiming the money is entitled to it, he ought to get it. If that were done, this sum would be reduced.

But, in my opinion, there would still be quite a large sum of money left, because some people make wagers when they are half intoxicated; and that comes about because the T.A.B. agencies are established, deliberately, alongside hotels. The people to whom I am referring lose their tickets and have nothing with which to make a claim; in fact, they do not even know they have had a winning wager and so they make no claim. There is quite a large proportion of that type of betting going on, too.

I am suggesting that as this money is there and is not being given to the punters who are entitled to it, it should not go to the board; it should not go to the Government; and it should not go to the racing clubs, but every effort ought to be made to devise a system to ensure that those who are entitled to get their money get it, and what is left is utilised for the purposes mentioned in the Bill; and I can think of no better use to which to put it.

Many of those punters who are now each Saturday and Wednesday having their fun in this way will, sooner or later, be looking to the Old People's Welfare

Council for some assistance, and no doubt they will be getting it. If their money is paid to the welfare council in this way they will, in advance, be making a contribution to a fund from which they will ultimately benefit; but they will not get any benefit from the money if it is paid to the racing clubs—no benefit whatever.

So they have a chance of getting some benefit from their own money which, through their carelessness or folly, they have lost or cannot recover. They will have a chance if we follow the proposal in the Bill to derive some benefit from it ultimately in an indirect way, inasmuch as the Old People's Welfare Council will provide facilities which they can enjoy. Are they likely to be going to the races to enjoy the facilities there? No. Their money will be utilised at the race courses to provide benefits for other people, and I cannot see any justice in that.

With regard to the other half of the money, what more worthy cause could we have than a special fund from which handicapped children like Mary can be assisted without having to rely upon appeals to the generous public from time to time? The money would go there and build up in a fund, and be wisely invested by trustees who could administer it, and then worthy causes could be represented to the trustees and they would be in a position to do something worth while.

In that way good would come of the folly and carelessness of the persons who are providing the money, which is now being withheld from them, for the purpose of being paid to the racing clubs and trotting clubs which, according to the Minister last year, were in such impecunious circumstances.

I suggest that no more worthy use for this money could be found than what I propose; and it is time we made up our minds to do something about it. I remind members that one more vote last session would have decided the question in the affirmative, and already the Old People's Welfare Council would have had the benefit of some £30,000 or £40,000. The vote of one member deprived the council of that amount of money last year.

I am hoping that this session, on this occasion, members will think more carefully about the proposition and will decide that in view of the very large sums of money that are now going to the racing and trotting clubs—sums exceeding £350,000—they can very well spare this money, to which they have no right or title, so that it can be used for the purposes which I have mentioned.

It is a very true saying: What you have never had you never miss; and as the Government has never had this money it should not miss it. The Government was quite content that this money should go to the racing clubs; it was quite content to forgo it and even argued that it should go to the racing clubs. Let us direct it to more worthy causes; and that is all the proposition is: that instead of the funds resulting from unclaimed dividends, or unpaid dividends, going to the racing clubs, they should go half to the Old People's Welfare Council, and half to a special trust fund for physically handicapped children.

Debate adjourned, on motion by Mr. Craig (Minister for Police).

PHYSICALLY HANDICAPPED CHILDREN'S WELFARE TRUST BILL

Second Reading

MR. TONKIN (Melville—Deputy Leader of the Opposition) [9.26 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is complementary to the one with which I have just dealt, and it is necessary in order to establish a trust which will be responsible for handling the money to be paid over to the trust and for distributing it in accordance with the requirements of those persons who, from time to time, will make application or have application made on their behalf.

It will be noticed that in the first instance the money will be paid to the Treasurer, and the Treasurer will then distribute it, half to the Old People's Welfare Council and half to this board of trustees. It is proposed to set up three trustees to be appointed by the Governor. They will act in an honorary capacity, and, I should say, be pleased to do so. They will have the trusteeship of this money which will be paid to them from year to year from the source I have mentioned, and they should be able to do a tremendous amount of good for the physically handicapped persons who could be considered to be worthy of assistance from this fund.

There is no need for me to elaborate any further on the matter, because I dealt with the source from which the money is to be derived and the reasons why I think it ought to be made available. It only remains for me to indicate briefly the type of trust to be set up.

The Bill follows the usual form of setting up a board of trustees, by looking after the aspect of appointing worthy persons, and making provisions for reappointment and for appointments in case of resignations, death, and so on.

The funds of the trust shall consist of moneys from time to time received by the trust from the Totalisator Agency

Board, in addition to gifts, devises, bequests, and donations made to the trust, and if made subject to any conditions of trust shall be held and dealt with in accordance with those conditions.

The purpose of all that is to deal with a situation which I hope would develop in which persons who have money to leave behind them, and no relatives to whom they desire to leave it, might consider that this is a worthy cause to be assisted and would bequeath their money to this special trust.

It is quite possible that under such a provision very substantial sums could be obtained; and think what a great boon it would be to those physically handicapped children who need so much to be spent on them for their medical care, their education, and their aftercare! It would really enable a worth-while job to be done. So provision is made for this trust to handle other than the money which will come to it from the Totalisator Agency Board.

Power is given for the trustees to invest their money. It is undesirable that it should be there idle because these cases may not be coming along regularly. There could be times when there is no call upon the funds, and at other times a very heavy call upon the funds.

It is desirable that power should be there for the trustees to make the money work when they have it available, and so increase the final sum to be utilised for the purpose for which I desire it. It could be, too, that sympathetic and generous Treasurers might feel disposed to appropriate sums of money at different times. If there is an extraordinary call upon the fund; if, because of some epidemic, or some other unfortuate occurrence, such as we had quite recently with thalidomide there were a large number of persons who required assistance, then it could be that a Treasurer would feel disposed to make a special grant to the trustees.

So provision is made that the funds can also be built up in that way. The trust will bank the money received in the name of the trust and will operate on it from time to time in accordance with the requirements of those who make application. Then, of course, there is power for regulations to be made for the operation of the trustees in their duties. That sums up the proposals in the Bill.

This Bill is necessary. Of course, if the previous Bill is not passed this measure is no longer required; but assuming that the House will agree to make this money available, then it becomes essential to establish the trust in order to handle the money which will be used for the purpose of physically handicapped children. I hope the House will agree to both proposals.

Debate adjourned, on motion by Mr. Brand (Premier).

APPOINTMENT OF A PARLIAMENTARY COMMISSIONER

Introduction of Legislation: Motion

Debate resumed, from the 11th September, on the following motion by Mr. Tonkin (Deputy Leader of the Opposition):—

> In the opinion of this House the appointment of a Parliamentary Commissioner (Ombudsman) is highly desirable and it is recommended to the Government that the necessary legislation be introduced this session so that the provision may be made.

MR. COURT (Nedlands—Minister for Industrial Development) [9.33 p.m.]: The Government has given very careful consideration to the motion which is on the notice paper in the name of the Deputy Leader of the Opposition. This matter has been receiving considerable prominence and consideration in various parts of the world, and for that reason it was desirable and necessary, quite apart from being a matter of courtesy to the honourable member concerned, to examine the matter with great care. Therefore I want to make it clear that in opposing the motion we do so not because it has been moved by a member of the Opposition but because, after due deliberation, we feel that the appointment of a parliamentary commissioner in this State, particularly at this point of time, is neither desirable nor necessary.

I will try briefly to summarise the reasons I have listed as to why we do not consider such an appointment to be necessary. From time to time new ideas are advanced which appear superficially attractive, and in our search for new things, which is a very desirable objective, particularly in the case of a democracy, we are inclined to overlook the great merits of some of the institutions we already have in our midst. We are inclined to assume that the new thing is something which is better than the old; and I think, so far as this State is concerned, there is a tendency for some people to assume that a parliamentary commissioner would be better than what we already have in this State.

My own opinion, and this is the opinion of the Government also, is that because of the very special arrangements we have in Western Australia there is no need for this person and, in fact, there could be circumstances when it would be quite undesirable.

Now let us have a look at the situation in Western Australia, because it is as well that we examine the existing situation while we are thinking in terms of an innovation such as has been suggested. I submit, in all sincerity, that there can be few places in the world where democracy is so truly practised as it is in Western Australia, and where the rights of the

individuals and the citizens are so carefully and jealously guarded. One has only to be in this place for a very short time to realise just what machinery is available.

I notice some members of the Opposition are inclined to smirk at that suggestion, but I am sure that in their hearts they realise that whichever Government is in power this place has been used, and is used in many ways to make sure that the rights of the individual are brought to the notice of the public. There is no more public place than the Parliament of this State.

Mr. Tonkin: Is this any more public than Parliaments of other places?

Mr. COURT: This is as public as any place can be. There are plenty of other places where the Parliament is just as public as this one, but there are some countries where it is not.

To get back to my earlier point, I find it difficult to imagine any country in the world where the rights of the individual are so carefully and jealously guarded as they are in this State, particularly through this Parliament. Let us have a look at the parliamentary institution in this State comprising as it does two Chambers.

We have those two Chambers—the Legislative Assembly and the Legislative Council—open to the public for all their deliberations. They are places where machinery has been set up to facilitate the airing of grievances and the airing of matters of public interest, whether it be from the Government side or from the Opposition side. Quite apart from the institution itself we find that its constituent members in the Legislative Assembly represent, by world standards, very small electorates so far as the numbers of electors are concerned. In the metropolitan area, where the electorates are compact, members represent something like only 10,000 electors. In the country areas they represent something like 5,000 electors; and in the far north, as a concession to distance, the Legislative Assembly members represent very few people indeed by world standards, and even by Australian standards generally.

Superimposed on those 50 Legislative Assembly members, representing comparatively small numbers of electors, we have 30 Legislative Councillors, and again these Legislative Councillors are divided roughly into metropolitan, rural, and north-west. The north-west, with its very small population, has three Legislative Councillors, again a concession to dispersement and distance. I suggest that by world standards the parliamentary representation, even allowing for our distances and dispersion, is very liberal. This means that the accessibility of a member of Parliament, so far as his electors are concerned, is very much greater than it is in most parts of the world.

One goes to some countries where members of Parliament represent very large numbers of constituents, and it is not an unusual thing to find people who do not know, and would have very little chance of ever meeting their parliamentary representative during the course of his parliamentary career representing that particular electorate. That state of affairs does not prevail in this State. I know of very few, if any, members in this Chamber, and in another place, who would not be in intimate touch with their electorates, and with all that is going on in their electorates, and with many of their people. Certainly they would be in touch with all the organisations in their electorates. They would be frequent visitors to those organisations; they would have to be to remain members under the system which has been developed in this State; because it is part of their business as members of Parliament in Western Australia.

In addition to our own 80 State members we also have the Federal members, admittedly representing very large electorates but again giving another point of reference. We have members of the House of Representatives in Canberra, and we have members of the Senate, those members travelling freely throughout the State and in other parts of Australia; and this is a further sounding board or check post so far as the general public are concerned.

But the matter does not end there. There are the local authorities which, in our own State, practise their business in a very public way. They comprise men who are elected by the ratepayers. Those members have to give an account of their stewardship and they have to face attack, criticism, and examination by Parliament, the Government department that administers local authorities, the ratepayers, and councillors themselves.

Then we have yet a further safeguard in this great democracy of ours because we have organisations like the parents and citizens' associations, country women's associations, R.S.L. organisations, and women's organisations, and we have employer and employee organisations. We have trade associations; and, in fact, we have a whole host of bodies in this State of ours which are vigilant in watching not only the interests of their own members, but, in many cases, the interests of the community at large.

A further measure of protection that we have in this State, which our people enjoy, and which makes it even easier for the individual—that single individual who is often thought not to have a voice in the community—to air his or her grievances, is a free Press. We have a free Press, radio, and television.

Mr. Heal: Did you say a free Press?

Mr. COURT: Yes; the Press is free to make its own decisions without restriction. The free Press, radio, and television have shown themselves to be a very responsible element over the years.

Mr. Graham: Very good friends of yours.

Mr. Jamieson: It is ready to tread on anyone at any time.

Mr. COURT: The member for Beeloo seems to overlook the fact that this very institution of which he is a member is here to see that the Press does not tread on anyone at any time.

Mr. Jamieson: If you introduce a Bill to that effect I will support it.

Mr. COURT: I have no recollection of the honourable member's party introducing a Bill when it was in government, which had as its provisions any intention to suppress the Press.

Mr. Jamieson: Would you support it?

Mr. COURT: Why should I? I think the present arrangement in this State is a very good one.

Mr. Graham: Very good for you!

Mr. COURT: There are times when the Press gives support to measures put forward by the Opposition; and again there are occasions when it supports Government legislation. A part of our news system in Australia is actually a Government instrumentality in the form of the Australian Broadcasting Commission. It surely cannot be suggested that the Australian Broadcasting Commission does not state the position as it sees it.

Mr. Graham: Menzies and Spooner have had a go to pull them into line.

Mr. COURT: They have not. They have only asked the A.B.C. to state the other side of the case. I know of members of the Opposition asking for a similar privilege and being granted it. Of all the media in Australia I think the A.B.C. is the least deserving of criticism.

Mr. Graham: I agree.

Mr. COURT: We must consider these things in balance. The A.B.C. does try to present the position as fairly and as accurately as it sees it. Taking the position by and large, we are very well served by the Press, radio, and television.

Mr. Graham: You mean the Liberal Party is.

Mr. COURT: I mean Western Australia is well served. This institution of Parliament has certain sovereign powers which can be exercised if it is so desired, and which would act as a deterrent to anyone wishing to abuse the freedom of the Press.

Mr. Jamieson: We would not get past the first editorial.

Mr. COURT: Members of Parliament know, and can vouch for the fact, that the citizens of this State have very little difficulty in getting their alleged grievances made public. There is no member here who has not felt, at some time during his political career, the pressure of various groups and individuals trying to get a particular matter aired. He has the job of weighing up the position to determine whether it is something that should see the light of day, or whether the person concerned does not completely understand the situation, or perhaps is unrealistic or unfair; or just has an obsession. If the honourable member in question feels the matter should be aired, it is aired here, or in the Press, or by representations to the Minister or his department, or to some particular organisation.

Mr. Jamieson: If he does not think it should be aired, what happens?

Mr. COURT: There are other members of Parliament. There are members of the Legislative Council—members of both parties—who could take the matter up. If a person comes to me as member for Nedlands, and later feels he has not had a fair go, he would have no qualms about going to a member on the other side of the House. This has been done from time to time, and will continue to be done. It is one of the great freedoms we enjoy.

Mr. Heal: That was done in Toodyay, and you criticised it.

Mr. COURT: Did I? It was not that which I criticised, but the method by which the question was raised.

Mr. Heal: What is the difference?

Mr. COURT: There is a great deal of difference. In addition to the various people and institutions to which I have referred, there are still further inbuilt systems of check and cross-check as we practise them within our community. Within the State instrumentalities themselves, we have the Auditor-General, especially appointed in his particular position, and removed from the ordinary civil servant, so that he can report direct to Parliament. He does not report to the Premier, or to the Government; he reports to Parliament. He is one officer for which the Government of the day, and the Opposition of the day, must have great respect, because of the peculiar position in which he is placed.

Mr. Jamieson: Your speech is laughable. What happens if he reports, and you have the majority?

Mr. COURT: The honourable member is merely trying to lead me off the track, but he is not going to succeed. The member for Beeloo knows there are such things as elections, which are probably the most sobering things a member of Parliament has to face. He must face the public every three years.

Mr. Graham: It would be all right if the public knew the issues.

Mr. COURT: I do not propose to be sidetracked. I have known members opposite make sure that the public do understand the position. If they did not they would be failing in their duty.

Mr. Graham: Yours is done for you. You get it free; we have to pay for it.

Mr. COURT: I did not see any lack in the Labor Party publicity during election time. Its members had plenty of publicity, but the unfortunate thing from their point of view is that it did not do them any good.

Mr. Heal: It was very close.

Mr. COURT: Apart from the Auditor-General and his responsibilities, we have the Treasury itself, which has an overriding responsibility for the finances of the State, both budgetary and supervisory. Those members who understand the workings of the Treasury will know that this budgetary and supervisory responsibility of the Treasury is a most important duty.

Mr. Jamieson: The countries who have ombudsmen also have these things.

Mr. COURT: I am merely trying to give some background of the machinery we already have, and which there is an attempt to brush aside because of something new.

Mr. Tonkin: Something new? It has been going on for 150 years.

Mr. COURT: Before we rush into these new ideas we should remind ourselves of the great blessings we have, which other countries do not possess. In addition to the normal machinery, the Ministers in any Government have a responsibility to keep closely in touch with their departments and with the officers concerned; and it does not take very long for Ministers to receive information regarding complaints of rudeness, incompetence, or unfairness, alleged in respect of the operations of their departments. Many members opposite who have been Ministers in a Government know that it does not take very long before complaints of incompetence, unfairness, indecision, and procrastination on the part of the officers within a department get through to them.

Mr. Graham: Then what happens?

Mr. COURT: The Minister concerned has a responsibility, and in most cases it must be admitted the responsibility is honoured.

Mr. Graham: I would like to see a little more of this.

Mr. COURT: The honourable member is not suggesting that when he was Minister in the Government he was indifferent to the complaints he received!

Mr. Graham: I am talking about the present Government.

Mr. COURT: Of course, there are always complaints about any Government. I do not suppose the present Government is less immune from criticism than any other Government. It is within their own human competence for most Ministers to try to do the right thing, not only in their own interests but in the interests of those they work with.

Let us examine some of the machinery that is available within this Parliament for private members to obtain information. First of all, there is the time-honoured custom of asking questions in Parliament with, or without notice. No-one can say this Parliament does not enjoy many privileges in respect of questions with or without notice. The opportunity is almost unlimited, as long as the questions are reasonable.

Mr. Graham: What one asks very often does not appear in the Press.

Mr. COURT: What does it matter if they do not appear in the Press? The fact is that *Hansard* is available, and that is a record of the proceedings of Parliament.

Mr. Tonkin: You are a funny boy!

Mr. COURT: Members opposite are ridiculing the very institution of which they form an integral part. If they are not getting the answers for the people vitally concerned they are failing in their duty. The Deputy Leader of the Opposition is not likely to tell me that if he asked questions on behalf of a particular interest which approached him, or on behalf of an organisation, or any particular cause, he would be inactive. He would make sure, regardless of what the newspapers said, that the parties concerned got a copy of the particular question and answer.

Mr. Graham: What about a matter of general public interest?

Mr. Nalder: I do not see many questions and answers asked in this House being published in the *Western Sun*.

Mr. Graham: That is a political journal.

Mr. Tonkin: I ask the Minister how one can publish answers if one does not get them?

Mr. COURT: The honourable member says he cannot publish answers if he does not get them; but I have not known him to be reluctant in asking follow-up questions in this House if he was not satisfied with the answer he got. Even if he is given the answer that two and two make four, he will still persist with follow-up questions and want the answer to be four and a half.

Mr. Tonkin: Have all my questions been answered?

Mr. COURT: If he gets an answer with which he is not satisfied I imagine he will do as he has always done. He, will no doubt, send a copy of the question and answer to the party concerned and declare, "This is the answer I got. I do not think it is fair for the following reasons."

Mr. Tonkin: What if I do not get the answer?

Mr. COURT: How many questions would the honourable member ask when no reply was given?

Mr. Tonkin: About 20 this session.

Mr. COURT: I cannot believe that.

Mr. Tonkin: I can prove it.

Mr. COURT: There could not have been 20 questions asked when no answers were given, because most questions are answered promptly, in spite of what the honourable member says. That has been the practice of Government after Government, as the honourable member is aware, because he was a Minister in Governments for many years. Some questions pose tremendous difficulties to Ministers, especially when there are important issues involved. So far as is reasonably possible most questions have been answered as quickly as possible.

In this Parliament we have the practice of setting aside a private members' day. One has only to look at today's notice paper to see what freedom there is in this respect, and how much this privilege is used in this particular Parliament. In this Parliament members enjoy a privilege in connection with private members' business which is almost unique. I cannot find any other Parliament which has the same organised system of dealing with private members' day. In this Parliament private members know that on Wednesday the time is set aside to deal with their business; according to our Standing Orders private members' business takes precedence over Government business.

Mr. Jamieson: Other Governments have different systems.

Mr. COURT: I know of no other Parliament which has the same system as this.

Mr. Jamieson: They deal with private members' matters at the adjournment of the House.

Mr. COURT: I have heard complaints from many sources that under the systems of other Parliaments private members cannot get their problems aired. Let members opposite try to have private members' business heard and aired in other Parliaments, within a reasonable time and in a reasonable order, so that the members concerned can get their stories over to the Press. There are not many Parliaments which have the privilege that this Parliament enjoys in respect of private members' day. Here we have a whole day set aside for private members to air their grievances on particular issues.

Let me draw attention to private members' business which appear in today's notice paper. Firstly, there is the motion under discussion moved by the Deputy Leader of the Opposition, and then there is the measure to amend the Totalisator Agency Board Betting Act. There is the motion moved by the member for Mt. Hawthorn on the question of workers' compensation.

Mr. W. Hegney: I have moved a similar motion on four occasions but got nowhere.

Mr. COURT: Then there is the motion into the charges for electricity, and the others in connection with town planning, amendment of the Totalisator Agency Board Betting Act and Local Government Act, the situation at Onslow, the Koongamia-Darlington railway, the Electorial Act, the wool industry, Federal taxation zones, and the Legislative Council franchise. One could keep on going and find in the notice papers, session after session, long lists of matters brought forward by private members. They are not restricted as to time when they introduce motions or Bills, and they can say what they like within the confines of Standing Orders, and they are completely free to express themselves. This evening we heard one honourable member for a long period castigating a Minister and his administration. That is part and parcel of the freedom this Parliament enjoys.

Mr. Graham: On last private members' day I introduced a Bill when I did not have the Bill. So far as the Press was concerned I did not introduce it. There was no mention of it in the Press; so how could the matter be aired, except to a handful of people present in this House?

Mr. COURT: If the honourable member considered there were people vitally interested in it he would have done what I would do in that position; that is, send copies of the Bill with a wide distribution to all those interested. It becomes a matter of judgment whether a particular issue in this Parliament is of interest to the public or a group of people. A matter introduced here might interest only, say, master painters or dairy farmers

Mr. Graham: There are some hundreds in those categories.

Mr. COURT: It is the responsibility of members of Parliament to get their message over to the people concerned. If we were dealing with a matter related to whole milk, I would expect members in whose electorates whole milk formed a predominant part of the production to make sure their constituents knew all about it.

Mr. Graham: Tell me the way to do that!

Mr. COURT: One way would be to post them copies of the Bill.

Mr. Graham: That is all right with you, in view of the large investments you have.

Mr. COURT: Another way is to send to the people concerned copies of the speech.

Mr. Graham: By doing what H. K. Watson did, and send out 50,000 copies of his speech. Who on this side of the House can afford to do the same thing?

Mr. COURT: It would be an unusual measure when there were more than 50 people interested. Surely the honourable member is not lacking in ingenuity in getting his message over to the people who are affected and interested!

Mr. Graham: Only a handful of people who attend here would know.

Mr. COURT: Whose fault is that? The honourable member has ample opportunity to get the story out. If he were to ask for 100 copies of the Bill he would get them without cost.

Mr. Tonkin: We are not asking for airing of a matter but for redress.

Mr. Guthrie: The motion moved by the member for Balcatta on the Hale School subdivision will hit the headlines tomorrow.

Mr. Graham: I do not think it will. The papers containing the particulars were available a week ago but there was not one line of the matter published in the newspapers.

The SPEAKER (Mr. Hearman): Members will have to keep to the subject matter of the motion, which has nothing to do with Press publicity of proceedings in this Parliament. I am sure that aspect was not mentioned by the mover of the motion.

Mr. COURT: I have referred to the machinery that is available to members of this Parliament which makes the appointment of the proposed parliamentary commissioner unnecessary, or less necessary than was implied, because if one were to listen to some of the advocates for the appointment of a parliamentary commissioner one would think this Parliament was going to rack and ruin, and there was no democracy in Western Australia, and we were ruled by a dictatorship.

Mr. Graham: That is pretty right, too.

Mr. COURT: We have the procedure where regulations may be disallowed and amended. We have heard an honourable member tonight stand up and move an amendment to a regulation.

Mr. Graham: All you need is the numbers.

Mr. COURT: If that honourable member can convince the House, he will get his motion through. The fact is that he can represent this matter fully and freely in this House; and if he can get it through, then it becomes a part of the law of the land. It is a great privilege we have in being able to disallow regulations and amend regulations, which brings with it a tremendous protection for the average man in the street.

Laws are passed from time to time which are very wide in their application; and that means the interpretation of them can bring some argument which can bring them in conflict with the people who have to be dealt with under those particular laws. Therefore, one of the great safeguards we have is the fact that when regulations are tabled in this House they can be disallowed, and have been disallowed, from time to time. In fact, under our procedure, unlike that of some Parliaments, regulations can be amended.

Mr. Jamieson: I will make sure the Victorian branch of the Liberal Party gets a copy of this speech.

Mr. COURT: As a matter of fact, I am sending one. They have asked for it.

Mr. Brand: We have some differences of opinion between State and State the same as the Labor Party.

Mr. Jamieson: That is the only time the Press is no good.

Mr. Brand: I am not talking about the Press; just about the differences between the States.

Mr. Jamieson: It is what I am talking about.

Mr. COURT: In what I have said, I have dealt with some of the media available to members of Parliament for dealing with problems that come to their notice from constituents; but there is also the fact that members of this House are free to speak on any subject they like when we are dealing with the Address-in-Reply, Supply Bills, and the Estimates—and I have not noticed any timidity on the part of any of the members on both sides of the House when it comes to expressing their views on a number of matters. Overriding all this is the tremendous privilege that members of this Parliament have in constitutional protection. They are given the protection of privilege, which, of course, brings with it a great responsibility. They have the privilege of expressing themselves freely without the threat of litigation, some of which could be unfair and extremely costly so as to make life unbearable for members of Parliament. We have been given this particular protection so we are free to express on behalf of our constituents, and anybody else for that matter, how we feel in regard to particular subjects. We can air grievances without fear of reprisal.

I believe that as some of these countries get bigger and become more densely populated, contact with members of their parliamentary institutions becomes more difficult for members of the public, and they have difficulties of access to other media, such as the Press. But, in the main, if we look at British counries, we find that the average man in the street has a pretty fair go, and the Press is quick to take up any cause where it feels somebody has been done an injustice.

I would say this: If the people of this State are not represented properly and have not got sufficient access or opportunity to air their grievances in respect of any matters, public or private, it is a reflection on members themselves, because we have so many members in this State by comparison with population, and we have so many media through which we can express ourselves in this place. Therefore, it would be a reflection on the members of Parliament if we were to say that the people in this State were not able to express themselves through their members. The facilities are available by which we can express ourselves on behalf of and in defence of people in this State.

Mr. Graham: If the Parliament of the State got 10 per cent. of the publicity that horse racing gets, it would get far more publicity than it gets now.

Mr. COURT: Maybe we are getting all we deserve.

Mr. Graham: That is a lovely observation if horse racing means more to you than the House of Parliament.

Mr. COURT: I come back to this fact that if the honourable member or his colleagues feel they are not getting their story across, they should realise there are many ways of doing this, not the least of which is by personal contact, which is used by people who have a case they want to expound.

Mr. Graham: You get to 300,000 people every time you blow your nose.

Mr. COURT: The honourable member, from his interjections, would have us believe that he is very keen on this parliamentary commissioner, who he thinks would solve all these problems. What good could he do to make sure the member for Balcatta hit the headlines in the paper every day in order to get his story across?

Mr. Graham: He would be getting like the member for Nedlands if he did.

Mr. COURT: I now want to turn to some of the points made by the Deputy Leader of the Opposition when he put forward his argument in support of this proposition. He placed great emphasis on the fact that Sweden has had an appointment of this nature for over 150 years, its first commissioner being appointed in 1809. The honourable member said this: "One wonders how the rest of the world can be so far behind." They were the words he used. I suggest, with respect, he completely collapsed his whole argument in support of this motion, because if this appointment was so good, so important, and so vital to these Scandinavian countries and neighbouring countries, surely before the lapse of over 100 years one of them would have said, "Sweden has something which is so good that we must have it."

Mr. Tonkin: They all have it now, you know.

Mr. COURT: It took them a long time to get around to saying, "This is something we must have"; because, using the figures of the honourable member—and I have no reason to doubt them, because he has done a lot of research on this matter—Finland followed suit in 1919, Denmark in 1954, and Norway in 1962. These countries are very closely related geographically, but even then it was 110 years before Finland made a move to follow the example of Sweden. I do not know what form of parliamentary commissioner each of these countries has —whether it follows the Swedish system, or whether it was introduced for the same reasons.

Mr. Graham: It has taken longer for us to get the standard gauge railway.

Mr. COURT: Let us examine some of the background in Sweden about the time that country decided to have a parliamentary commissioner or ombudsman, because it is important for members to know the particular situation that existed in Sweden when that country introduced this person into its constitution. I have had an extract made from the *Encyclopaedia Britannica* volume 21, page 639, under the heading of "Sweden" and the subheading of "Constitution." This is what it says—

> Constitution and Government.—Sweden is a limited monarchy, the Constitution resting primarily on a law (Regeringsformen) of June 6, 1809. The executive and judicial authority is vested in the king alone but his resolutions must be taken in the presence of the Council of State (statsradet). The councillors, appointed by the king, are responsible to the parliament (Riksdag). At present they are 12 in number, one being prime minister (statsministern) two others consultative ministers, without portfolio, and the remaining nine are heads of the departments of administration, which are justice, foreign affairs, defence, social affairs, communications, finance, public worship and education, agriculture, commerce. Administrative posts are in principle equally open to men and women. Holders of Government offices are appointed by the king on the advice of the Council of State. Apart from a very few exceptions, none may be dismissed except in case of default and after trial and judgment. The king shares legislative powers with the Riksdag, possessing the rights of initiation and absolute veto. He has also, in certain administrative and economic matters, e.g., the police system, a special legislative right. The general tendency in the constitutional system of Sweden, however, since 1809 has been to restrict the influence of the Crown in favour of the Riksdag.

It is very important that we follow the constitution of Sweden because there are some special features that led up to the appointment of a parliamentary commissioner in 1809. What I have read out, as far as I know, deals with the position in Sweden as it is today. The emphasis in that extract is on the fact that this type of constitution largely grew from the changes made in 1809. I emphasise this difference because that was the year when the parliamentary commissioner was appointed in Sweden.

The following further historical reference is of interest. I have had it copied out because it is important in considering the circumstances which led up to the appointment of this parliamentary commissioner in 1809. These circumstances cannot be ignored in considering this man, and it does break down a lot of the argument in favour of the Swedish system when we try to relate it to our own particular State.

In 1796 Gustavus Adolphus IV took over the government of Sweden himself; and I quote the following from the historical reference I looked up:—

> He was scantily gifted, but he knew how to make himself felt, and combined obstinacy with passionate temper. By 1808 Gustave Adolphus's measures became more and more thoughtless and he annoyed even England, his only ally. The feeling grew that the King must be dethroned.

In 1809—which is the significant date—the Riksdag was called together by a provisional government which drew up a new constitution and elected a new king. A form of government resulted, based on a division of power between the ministry, the representatives of the people, and the judicature. The King was to be advised by a ministry, the members of which were to be appointed by the King but to be answerable to the Riksdag. General legislation was to be the work of the King and the Riksdag. and the Riksdag's control over taxation was confirmed.

Now it was in this atmosphere that Sweden appointed the parliamentary commissioner; and I think a reading of history will give an appreciation of why at that particular time it needed such a person. No other country can we find from a quick reading of history needed to follow this particular example. Knowing the life and the times as we do from our study of history, back in 1809, it is not unreasonable to assume also that this commissioner was appointed more to protect the interests of the fairly influential and rich people against any persecution by the Crown than for the average man in the street, because history records that at that particular time of European history the average man in the street was a pretty insignificant person as far as legislation and general administration were concerned.

New Zealand saw fit to introduce this type of legislation in recent times and I must say the reports of the work of the parliamentary commissioner do not invoke an awful lot of enthusiasm on my part when we know there are two Chambers here whereas New Zealand has one; and surely there cannot be any more protection required under our system for the average man in the street.

One does not deny that a parliamentary commissioner would be a pretty busy boy. We have had enough experience as members of Parliament to know that if we show any sympathy for constituents or people—for causes, lost or otherwise—they will beat a track to our homes pretty quickly. I do not think I need to dwell on that point. So it is not hard to imagine that a parliamentary commissioner would, as far as many of his customers were concerned, become pretty much a wailing wall, and he would be receiving a lot of patronage of people who had been to members of Parliament, prominent citizens, and welfare organisations, and stated their case. These people who, in the main, are reasonable people, would have told them their case was not a good one and would have passed them off, having told them their requests or proposals were unrealistic or unfair. All of a sudden they would then realise they had a new port of call. They could go and see this parliamentary commissioner.

Mr. Jamieson: You want to watch out. You might dob yourself into the job.

Mr. COURT: I cannot imagine that anyone in this House, having had experience of dealing with constituents, would be an applicant for the job, even if the salary were attractive and the conditions good.

Mr. Rhatigan: In other words, it would be somewhat similar to the Administrator for the North-West.

Mr. COURT: No. He has a real job to do.

Mr. Graham: Yes. Keeping information away from local members.

Mr. COURT: No. People with such problems—some of them are quite sad cases—are forever with us. I think that most members, most people in public life, and most welfare organisations do their best to unravel these problems. Some we decide want every effort made on our part, and this is conscientiously done. If we are fair to ourselves we will admit, however, there are many people who have not got a case but who have an obsession; and nothing we can do will erase that obsession. They cannot be convinced by logic or by any other means, and most of those people will carry their obsessions with them to the grave. They will want us to appoint a super parliamentary commissioner to "ombuds" the ombudsman. and so it goes on. They will want somebody to whom they can appeal when the parliamentary commissioner does not give them what they want.

Having regard for all the safeguards which exist in the State—the freedom with which the public can consult parliamentary members; the freedom with which members can represent matters to the Government; and the freedom with which members can air their problems and views in this Chamber—I do not think we have in this State any claim to establish a person who, in the main, would be an unnecessary interference with the present administrative machinery which, in the main, works extremely well.

MR. FLETCHER (Fremantle) [10.17 p.m.]: I will be as brief as possible. It is necessary to quote at least one example to offset the case submitted by the Minister. He said it is neither desirable nor necessary for such an appointment; that there is no need for such a person; that our rights are carefully safeguarded.

This Legislative Assembly member tried to do something for those whom he represents, and he got nowhere. I will illustrate my point presently. The actions of this Government in respect of the residents of North Fremantle were nothing short of scandalous, and an ombudsman could have resolved the issue in a more humane way than did this Government.

Certain property was acquired for the purpose of the bridge and the establishment of other facilities necessary for the Harbour Trust. Together with the late Hon. E. M. Davies I led a deputation to the Minister for Works in an endeavour to obtain replacement value at least for some of the homes of which certain persons were dispossessed. I submit that I got nowhere in my endeavours.

I wanted replacement values for those homes. The Minister just said we have Federal members, parents and citizens' associations, progress associations, and country women's associations. All these people might be sympathetic, but the present Government certainly is not. I attempted to achieve what I could, and got nowhere. An independent authority in the form of an ombudsman could have achieved more than did this Government.

The Minister said that our grievances are made public through the medium of Parliament. I would ask this House: How much publicity will the case which I am now submitting receive in tomorrow morning's Press, or through any medium? It will not receive any publicity, and the injustice which was done to those people will go unnoticed in Western Australia.

I know I am fighting a lost cause. I know that the honourable member who introduced this measure is fighting a lost cause; but I think it is necessary for me, as the Minister suggested, to at least protest.

How much sympathy did those aged and other dispossessed people receive? How much publicity did they receive? They received nil. They received only the valuation plus 10 per cent. In some cases I prevailed upon the Harbour Trust, which was bound by the Minister and by the Government's policy in relation to what it paid. In some cases the trust paid £1,250, in other cases £1,300, and in other cases £1,350 for the properties which people had taken a lifetime to acquire. I made successful endeavours on two or three occasions to obtain an extra £50 to enable people to move their furniture which they had taken a lifetime to acquire.

An ombudsman would relieve the Minister. The Minister is not interested now; nor was he interested before. An ombudsman would relieve the Minister of any embarrassment as a consequence of any precedent which might be created.

The member for Melville said it would cost £9,000 to establish the office of ombudsman. That is a small amount compared with the figure which the Public Works Department will spend in other directions.

I was going to refer the House to a question I asked today, which was carefully avoided by the Minister for Works. Had he replied to it in any other form he would have caused embarrassment to himself and to his Government. However, I will not go into details.

I refer members to *Hansard* No. 3 of 1963, page 372. I propose to read from that number as quickly as I can material which was pertinent then and is pertinent now. I ask for the attention of the House. The extract refers to the acquisition of property, and reads as follows:—

> It was with reference to the acquisition of land, and I want to show the preferential treatment shown to this contractor, and the scabby treatment shown by this Government to people who resided in that area. There were people there who were as old as I am, or even older, and who had either a total equity in their humble homes or, at any rate, a large equity in them. They were at an age where they were approaching retirement—not that I am suggesting I am—

Mr. Court: Hide your birth certificate from the member for Balcatta.

Mr. FLETCHER: To continue—

> but the Minister for Works merely gave them the departmental valuation plus 10 per cent. for their properties. Yet in the deputation we asked for replacement value.
>
> How would members here who have an equity in their homes, either totally or in part, and who are approaching the age of retirement, care to receive a paltry £1,250, £1,300, or £1,500? We were justified in asking for replacement value as these people were being

turfed out of their houses. Alternative, comparable accommodation should have been made available to them in another suburb, or in another area. But no, they were turfed out of their homes and forced to incur debts; because nobody can buy a house for £1,500 or £1,250, which was what some of them received.

Why should they be turfed out and forced to incur a debt at that time of life, when they are approaching retiring age? Why should they have to incur a debt of up to £1,000, and some of them more than that, to acquire comparable living space? For such houses they would have to pay anything up to £3,000. I thought it was grossly unfair, and I still do.

Let us contrast that with what happened when the Labor Government was in office. I shall quote a case and give the name of the man concerned.

It was Tom Williams, an employee of the South Fremantle power station. He had built a new home and had not even occupied it when the electricity undertaking acquired it for an extension of the department's works. A new house was built for Mr. Williams and even trees and shrubs, and other articles in the yard were provided to replace those that had been in the garden of his other house.

If the Labor Government can do that sort of thing, why cannot this Government do the same? Why did it not adopt that policy as regards the people in North Fremantle who were displaced? On that score the Minister is worthy of condemnation.

That is all I want to read from that particular *Hansard*. I said it then and it was valid then; and it is now. I repeat that an ombudsman would see that aged people—some of them retired—would not have to incur a debt at an age when security is achieved—security that was bought over years of deprivation. I am as sure as I stand here that an ombudsman would have given more humane treatment than this Government gave.

On those grounds alone the appointment of an ombudsman is justified to rectify such injustice as I have just quoted. I hoped the Government would support this measure; but, as I said earlier, it is a lost cause.

Mr. Court: How would he overcome that problem?

MR. GUTHRIE (Subiaco) [10.27 p.m.]: The motion of the Deputy Leader of the Opposition brings before this House a very interesting being. I must confess that until I read the letter from the Deputy Leader of the Opposition to *The West Australian*, and his column on this subject in the same newspaper, I had never heard of an ombudsman. I did not know such a being existed.

It is noteworthy that simultaneously with the Deputy Leader of the Opposition raising this subject in Western Australia, it has been receiving consideration by my own political party both in Queensland and in Victoria. Because of its being raised in three States almost simultaneously, the Law Society of Western Australia became interested in the subject; and as all members know, invited the Chief Justice of New Zealand, (Sir Harold Barrowclough) to write and deliver a paper on the ombudsman to the legal convention recently held in Bunbury. I was invited to be the first commentator at that conference on Sir Harold's paper. The fact that the Deputy Leader of the Opposition had evinced interest in the subject, and therefore it was likely to be raised in Parliament this session, and the fact that I had been asked by the Law Society to lead the discussion on the subject at its convention, caused me to indulge in some research.

At the time I spoke in Bunbury my research was by no means complete, and then I referred to the only reference works of which I had knowledge. As a result of what I said then, interested people have referred me to other reference works and the clerks of the House have also drawn members' attention to even more references on the subject. I would think, however, that all that has been placed in front of me at this point of time is by no means all that can be studied on this subject. I therefore accept without question that my study to this point of time is by no means complete. As I will demonstrate later, my study of the available material is indeed sketchy.

Before continuing that line, permit me to say a few words concerning the recent law convention at Bunbury. Firstly, we had a paper by a very distinguished visitor. Secondly, it was desired that there should be a discussion. As is common on these occasions, two people were invited to comment on the paper so as to provoke discussion. It is not the role of such commenators to cover the ground which has already been very ably covered by the principal speaker but merely to draw attention to salient and relevant points with the chief object of provoking a general debate. That, of course, was my role and my purpose at Bunbury.

Unfortunately, Sir Harold Barrowclough started his address a little behind schedule and the delivery of his paper occupied a great deal more time than had been allowed. In consequence, when Mr. G. D. Clarkson, who was my co-commentator and I had finished speaking, there was only about ten minutes time left for a general debate before the luncheon adjournment. The upshot was that there

was no general debate but a few questions were asked of the principal speaker and myself and we answered them to the best of our ability.

This was unfortunate, but members will appreciate that it could not be avoided in the circumstances. The result was that I did not get the opportunity which I had hoped to have to gain an impression of the viewpoint of my professional colleagues on this all-important subject. I did, however, have the opportunity of joining in many private discussions during the recesses in the conference and during the social functions, which were part of the conference. All I can report to the House from those discussions is that the subject has aroused a great deal of interest in the legal profession and the vast majority of the lawyers of this State who attended that conference feel that it is worthy of further investigation, study, and consideration. Permit me to say immediately, that that viewpoint is shared by me.

To deal very shortly with the paper delivered by Sir Harold Barrowclough, I would make these observations—

1. It covered 10½ foolscap pages.
2. Seven and a half of those pages were devoted to a factual account of the New Zealand enactment.
3. That account covered the background leading up to the introduction of the measure, the provisions of the Statute itself, and the functions of the commissioner.
4. Sir Harold then somewhat shortly gave his impressions of the ombudsman.
5. He then proceeded to discuss at some length, but not to a great extent, the question of whether the functions of an ombudsman should be extended beyond governmental matters to local governmental matters.
6. He also dealt to some extent with the first report of the New Zealand Ombudsman, and that report is available to members for their own study.

Time will not permit me to deal at any great length with the entire paper of the Chief Justice of New Zealand, but I think it is of some importance to the House to know what Sir Harold thought of the value of the appointment. I can do no better than to read to the House all he had to say on that point. It reads as follows:—

> It has been suggested in some quarters that the office of the Ombudsman is redundant for, so it is said, everyone has access to Parliament through the member of Parliament for his electoral district. One has only to look at the Act, however, to see that the Ombudsman is furnished with powers and opportunities for investigation that are not bestowed on members of Parliament. The ultimate decision lies with Parliament; but Parliament will be much better equipped to reach a proper decision if the complaint has been carefully considered beforehand and is reported on by an impartial and trained investigator. I have made recent inquiries to ascertain how many complaints have been reported to Parliament by the New Zealand Ombudsman and I have learned that there are none. So far at all events the intervention of the Ombudsman and the co-operation of the Departments has sufficed to recitfy all complaints which the Ombudsman has found to be well grounded. I am in no position to say authoritatively whether his judgment as to what was a justifiable complaint and what was not has always met with the approval of complainants; but I know him well and I am sure that he is not the sort of man who would find difficulty in recognising injustice or unfairness when it exists. I would think that the appointment of an Ombudsman in New Zealand is likely to be of great benefit to the community. I think, however, that you may wish to know a little more about what as been done in New Zealand and why, on such limited experience as I have of the activities of an Ombudsman, I should nevertheless express approval of the decision to appoint one in my country.

Sir Harold went on to deal with the ombudsman's first report.

I do not propose to take the time of the House to read the Ombudsman's report. The report is available to members in this House and those interested can read of the cases dealt with by the Ombudsman in New Zealand and what has been done in regard to them.

Whether Sir Harold Barrowclough had indulged in any other research on this subject I could not say. He certainly did not give any indication one way or the other. There is, however, a great deal of material available, and it traverses areas of the subject not in any way touched on by the Chief Justice of New Zealand. As far as I am aware at this moment the following information is in fact available:—

1. The debates in the New Zealand Parliament.
2. The Statute enacted by the New Zealand Parliament.
3. The first report of the New Zealand Ombudsman.
4. The transcript of an interview which took place between the Danish Ombudsman, one, Professor Stephan Hurwitz, and two English lawyers.

5. Address to the United Nations Seminar on "Judicial and Other Remedies Against the Illegal Exercise or Abuse of Administrative Authority", by Professor Stephan Hurwitz at Peradeniya, Ceylon, in May, 1959.

Members will recall that the Deputy Leader of the Opposition referred to that particular address when introducing this motion.

6. The report of the committee appointed in the United Kingdom known as the Franks Committee.

7. The debates in the United Kingdom Parliament on that report.

8. The Tribunals and Inquiries Act, 1958, which was enacted in the United Kingdom as a result of the Franks report.

9. The debate which occurred in England when that measure was introduced.

10. The book written by Mr. T. E. Utley—a well-known broadcaster and political commentator in England—entitled "Occasion for the Ombudsman", with the sub-title, "Is a Grievance Man Necessary for Britain?"

I will shortly read to the House a few extracts from that particular book.

11. The address over the A.B.C. broadcast by Lord Parker of Waddington, on the 9th July, 1961.

12. Article by Dr. D. M. Johnson, M.P., in the *Journal of the Commonwealth Parliament*, vol. 43, page 2, January, 1962.

Anybody reading Mr. Utley's book will appreciate that Dr. Johnson is a member of the British Parliament who has actually interested himself in this problem and has been responsible for a considerable amount of success using purely parliamentary fields to get justice.

13. A precis of the second reading speech of the Attorney-General of New Zealand on the New Zealand Bill, reported in vol. 43 of the same journal at pages 383-386.

14. Comment in vol. 44 of the journal at pages 23 and 24 by W. K. Jackson, Senior Lecturer in Political Science at the University of Otago.

15. A report by Justice (the British component of International Commission of Jurists) entitled "The Citizen and the Administration, the Redress of Grievances", being the results of investigation of a committee operating under the direction of Sir John Whyatt—a former Chief Justice of Singapore —and generally referred to as the Whyatt Report.

16. An article by A. W. Bradley in the *Cambridge Law Journal* of April, 1962, at page 82, entitled, "The Redress of Grievances" which is basically a commentary on the Whyatt report. The *Cambridge Law Journal* is published by the Faculty of Law, University of Cambridge.

17. An article by an unnamed correspondent in the issue of the *Economist* of the 23rd June, 1962, at page 1222.

When one has read all that material one probably has digested only a portion of the available material on this subject. In any event, when one has read all that I have listed, one will have read about 500 printed pages. I have not done that as time has not permitted it. In the case of the reports, I have only had time to glance through the general reasoning contained in each report, and somewhat hurriedly read the conclusions. Members will appreciate that this is not a satisfactory method of research. I would need a great deal more time, running over many months to complete a proper research into this subject to enable me to reach anything in the nature of a balanced conclusion.

I would observe that there was a lapse of three years between Professor Hurwitz's speech in Ceylon and the introduction of the New Zealand Bill. Members will recall that the Deputy Leader of the Opposition told us it was as a result of hearing Professor Hurwitz's speech in Ceylon by the then Attorney-General, or Prime Minister, or whoever it was, that led to the introduction of the legislation in New Zealand; but they deliberated on the subject for three years before they took the action they did.

I would point out to the House that in reaching a decision on the need or otherwise of an ombudsman in Western Australia, one also needs to consider concurrently the English system of appeal tribunals and the control and administration of those tribunals. It is somewhat noteworthy, as I will mention later, that the Whyatt report clearly indicates that an ombudsman by himself is insufficient. There still must be a series of administrative tribunals with a proper co-ordination of control of those tribunals.

I would at this point shortly digress on this council of tribunals which has developed in England. It arose through a case known as the Chrichel Down case which became somewhat notorious in England, and it arose because a man had had his property resumed either prior to or during the war for defence purposes. After the war it was not required for defence purposes and the Ministry of Agriculture endeavoured to convert it into some form of experimental farm without

even considering the rights of the former owner. It became something of a public scandal and I gather that by his persistency he ultimately got some form of justice. The case excited so much public interest that the Franks committee, presided over by Sir Oliver Franks, was appointed not to investigate the Chrichel Down case but to investigate the whole system of administrative tribunals in England. It brought in a report which was adopted by the Government of the day and was put into legislative form in the Tribunals and Inquiries Act of 1958.

I now propose to read a few extracts to the House from material which I have studied, and I must make it quite clear that I do not in any way pretend that these extracts completely cover the subject. They do however provide some pointers. Mr. Utley, in his book, deals with the point that the Minister took that the avenue of Parliament in the past has been the proper way of getting these problems righted; and he points out that in England, in the House of Commons, Parliament is no longer an effective method or avenue of having problems investigated.

He points out that in the House of Commons members no longer enjoy the privilege of putting questions on the notice paper. The whips decide what questions can be put on the notice paper and it is not uncommon for a member to put a question on the notice paper in the House of Commons in January for answer in March. That is the situation which in England has led people to think that an ombudsman is necessary. At page 138 of his book, after giving numerous reasons in the earlier chapters, he makes this statement—

> Parliament is no longer a wholly effective guarantor of private rights, and it cannot be so long as it remains a machine for the production of legislation. The Press is likewise proven to be a very unpredictable vehicle for such grievances.

The reasons he gave for the failure of the Press were that most of these questions were of provincial interest only and very seldom were of any great interest to the big national newspapers, where one would expect publicity to be given. They were simply not reported in the national newspapers because the matters concerned only a small portion of the country. Later, at page 141, having decided for himself that an ombudsman was a necessity, he went on to say—

> It remains to be considered, however, what form an ombudsman for Britain would take. Since these functions will certainly not be entrusted here to a single individual acting in his own name and supported by his own staff, the alternative which immediately suggests itself is that they should be vested in an anonymous central department presided over, possibly by a committee of those discreet public figures who command universal respect and represent the Establishment in the least contraversial meaning of the word.
>
> This is a possible method and one which should be investigated. There is, however, something to be said for the view that the creation of such a department would soon bring Parkinson's Law into operation, that is to say that the department would steadily increase in size, remoteness, and ineffectualness. Certainly it would at the outset be the subject of a good deal of popular derision. These are not conclusive arguments but they do suggest that it would be well to consider some means of enabling the new function to be performed in a more traditional way.

At page 142 he said—

> It is not necessary to reach a conclusion here about the best form for the institution of an ombudsman to take in Britain; but a number of distinct advantages can be claimed for the proposal that the resources of the House of Commons should be used for this purpose. Not only would the method be traditional, and to that extent more likely to be accepted; it would involve very little expense, and it would ensure that from the outset all political parties were involved in running the new institution. Above all, it would be a move in the direction of increasing rather than diminishing the authority of Parliament. It would also ensure that complaints were sifted by an extremely competent body of men already thoroughly accustomed to the task. Nothing would be examined unless a member had chosen to bring it before the committee. To this extent the burden on M.Ps. would not be increased, but they would have a means of doing effectively what at present they often find it impossible to do at all.

I would draw the attention of the House to the fact that the Whyatt report also feels that the ombudsman would be open only to members of Parliament to make the approach. That, of course, is not the situation in New Zealand; and, as I understand it, it is not the situation in the Scandinavian countries.

It is interesting to note, as I mentioned earlier, that the Whyatt report produces two solutions; namely, the extension of the activities of the Council of Tribunals as well as an ombudsman. To the Whyatt report Sir Oliver Franks, who was chairman of the Franks committee, has written

a foreword, and in that foreword he had this to say in reference to the Whyatt report—

> It reaches two broad sets of conclusions. In the first place it comes to the view that there is substantial scope for subjecting a large number of administrative decisions involving discretion to some kind of appeal. It shows that a good deal of progress has already been made in this direction, and it recommends that further developments should take place under the general surveillance of the Council of Tribunals.
>
> The second group of recommendations concerns maladministration and takes us into different territory. There is a long and thorough examination of the institution of the ombudsman in Scandinavian countries. This institution has existed in Sweden for more than 150 years; in Denmark an ombudsman was first appointed six years ago, while in Norway a Bill setting up an ombudsman on Danish lines is likely to come into operation this year.
>
> After all the talk there has been in Britain about the Scandinavian Ombudsman it is a pleasure to read this authoritative account of the nature and functions of the institution in these countries.
>
> The report comes to the conclusion that a similar official should be appointed here. The British Ombudsman would be called, "The Parliamentary Commissioner" and he would enjoy the same status as the Comptroller and Auditor-General. He would be answerable only to Parliament and would be irremovable except on the address of both Houses, being in this way independent of the executive.

I might interpolate here that that is different to the system that prevails in New Zealand. Continuing—

> It is recommended that he be given wide powers to investigate and report upon cases of alleged maladministration, initially at the request of Members of Parliament, but that later members of the public should take their allegations and complaints straight to him.
>
> These proposals are skilfully elaborated in the Report and deserve the consideration of a wide circle of readers. Many will argue that a sufficient case for these changes already exists and that early legislation on the suggested lines is highly desirable. There may be others who will hold, particularly in regard to the proposals concerning maladministration, that existing opportunities for redress are on the whole adequate and they may fear that any substantial change might to some extent detract from the responsibilities of Members of Parliament. The report provides a basis for informed debate and intelligent answers to these questions.

And, at page 32 of the report, the committee had this to say in dealing, first of all, with the general tribunal. In paragraph 65 it said—

> It is interesting to consider how a similar problem has been successfully solved in Sweden. In 1909, the Swedish Parliament passed a statute setting up a body the title of which is sometimes translated as the Supreme Administrative Court and sometimes as Government Court, but which Professor Herlitz, Emeritus Professor of Constitutional and Administrative Law at the University of Stockholm, considers would be given the name "Tribunal" by lawyers in this country. We will so refer to it in the following paragraphs.

And then they say, in paragraph 68—

> We suggest that a General Tribunal should be established to deal with miscellaneous appeals from discretionary decisions. The types of discretionary decision which could be brought before it should be enumerated by a statutory order made by the Lord Chancellor under a general enabling Act after consultation with the Council on Tribunals and the Departments concerned.

Further, at pages 79 and 80 of this report, they deal with the question of an ombudsman. As indicated earlier, the report is in favour of the appointment of an appellate tribunal, and also the appointment of an ombudsman. Those were the two solutions required. At page 79 of the report, the committee had this to say—

> Our conclusion regarding complaints of maladministration is that Parliament is and must remain the most important channel for making representations to the Executive about grievances. We think the existing Parliamentary procedures, in particular the Parliamentary Question procedure and the Adjournment Debates, provide a valuable means for dealing with complaints of maladministration raised by Members of Parliament but that they would be more effective if they were supplemented by machinery which would enable such complaints to be investigated by an impartial authority if the Member requested it. We have therefore proposed that an officer, to be called the Parliamentary Commissioner (or by some other suitable title), with a status similar to that of the Comptroller and Auditor-General, should be appointed and, subject to certain conditions, should investigate complaints of maladministration

against Government Departments received from Members of Parliament.

As I said earlier, it is noteworthy that the Whyatt report has suggested, in the initial stages, that complaints to the ombudsman should be made only through the medium of members of Parliament; that the general public should be debarred from approaching the ombudsman initially or directly, and that later on they hope that the general public would have their rights. Mr. Bradley, in his article dealing with the Whyatt report at page 98 of *The Cambridge Law Journal* of April, 1962, wrote the following under the heading of "Conclusions":—

> Part III of the Report is therefore welcomed. It is difficult to assess the likelihood of its implementation; if the Government, being conscious of the collective view of the departments, is ready to consider the prospect of a Parliamentary Commissioner, the nature of his proposed status and functions would seem to make it desirable for the proposal to be left to an open vote of the House of Commons, so that the collective view of the backbenchers might be openly obtained.
>
> Part II of the Report should only be implemented to a limited extent. The Council on Tribunals—

that is, the council set up under the Tribunals and Inquiries Act—

> could be given power to survey specified discretionary decisions not at present subject to any form of appeal to discover whether there were any special circumstances (e.g., similarity to another discretionary decision from which an appeal was provided; or the effect of a decision on a man's livelihood) which would justify an extension of the tribunal or inquiry system. If the Council discovered any such circumstances, they should report accordingly to the Minister concerned for such action as he thought fit. For the reasons given above, the Council should not act with the object of endeavouring to provide every person aggrieved by a discretionary decision with a right of appeal.
>
> Finally it would seem that a further inquiry is needed into whether there is any case for introducing additional means of controlling the exercise of powers on certain specified grounds, similar, for instance, to the manner in which the Conseil d'Etat ensures that the reason given for an administrative decision is *materiellement exact*. Glaring instances of inaccurate reasons having been given would presumably be within the powers of the Parliamentary Commissioner as acts of maladministration, but there may possibly be grounds for this limited but most valuable power of review being given to some other agency. It is not considered that the Whyatt Report, valuable in other respects, has adequately explored this possibility.

Despite all that, it is somewhat noteworthy that Lord Parker of Waddington, who was a member of the Franks Committee, and who subscribed to the Franks Report, when in Australia took a totally different line when facing up to this problem. The whole tenor of his address over the air was that the powers of the existing courts of justice could be extended, and the powers could be given to judges—which they do not now possess—to exercise an appellate jurisdiction on discretionary and administrative decisions from Governments and Government departments. It would take too long to read the whole of his address to the House, but he concluded on the following note:—

> To claim that such a decision is one of policy, and that it can be arrived at without consideration of the rules of natural justice would surely be wrong. It is as much an adjudication as is that of a Court of Law. It may be, therefore (though this remains for decision in the future), that:
>
> (1) There can be no interference by the Courts with a decision of pure policy any more than there can be an interference by an appellate Court with the exercise of an unfettered discretion by a Judge.
>
> (2) Any decision, other than a decision on pure policy, is as much an adjudication as any adjudication by the traditional Courts. It is a misnomer to speak of the one as "administrative" and the other as "judicial."
>
> (3) The Courts in the exercise of their supervisory powers can interfere with such adjudications without regard to whether in the past these have been termed "administrative" or "judicial."
>
> May I, however, sound a warning against the over-zealous exercise of the Court's supervisory powers. There is undoubtedly a natural tendency to regard the sole concern of the Courts as being the control of abuses of executive power, and to identify "government under law" with judicial intervention against executive action. But this is, I think, to misconceive the proper role of the Court. There is, in addition to this negative role, a positive responsibility to assist administration. The Courts must recognise that national policy requires a measure of administrative freedom; and that they have a duty to facilitate the objectives of administrative action as approved and authorised by Parliament.

> Should the Courts fail to recognise this it would of course be open to Parliament, which is supreme, to interfere and restrain the Courts. The truth of the matter as I see it is that there is a reciprocal duty on the Courts and on Parliament. It is the duty of the Courts to give effect to the expressed purpose of Parliament.
>
> Given a proper performance of those duties, there can be little risk of a clash and the liberty of the subject can be safely left in the hands of the judges.

And that notwithstanding the fact that he was a member of the Franks Committee. I hope I have not confused members too much on this wide and varied subject, but I would suggest to the House that all this adds up to the fact that there are five courses which we can follow, and I would summarise them below—

1. Have an ombudsman.
2. Set up a series of appeal tribunals with a general supervisory tribunal.
3. Accept an extension of the jurisdiction of the courts.
4. Leave it to Parliament.
5. Have a combination of some or all of the various foregoing proposals.

I do not necessarily suggest that is the correct order of priority.

Before we can even reach a decision on that subject, we must first of all determine whether or not Parliament in this State is inadequate in its efforts to correct these wrongs. Mr. Utley has expressed the view that Parliament in England, and the Press, is inadequate. I would know nothing of the situation in New Zealand nor, for that matter, in Denmark. Dr. Johnson, however, does give us an interesting commentary on the Swedish position. At page 2 of volume 43 of the *Journal of the Parliaments* he said—

> It would seem, in fact, as if the office of ombudsman arose out of the nature of the Swedish constitution, in which the departments of government are established as autonomous boards without direct responsibility to Parliament through appointed Ministers in the manner with which Commonwealth countries are familiar. This being so, the Swedish Parliament found it necessary to have its own representative to supervise the civil servants in order to ensure that they kept the law.

I think that in itself supplies the reason why Sweden introduced an ombudsman 150 years ago, and no-one else followed. It was as if they had, in Sweden, a series of departments run along lines similar to our Main Roads Department, and our Conservator of Forests, which are not subject to ministerial control.

Later on in the same page, referring to Denmark, he said—

> Initially in Denmark there were the same arguments advanced about the redundancy of the office as we are familiar with here in Great Britain, but it was decided to introduce it for psychological reasons so that the citizen could have confidence in there being an independent check on civil servants. This argument has proved itself in practice. During the incumbency of Professor Hurwitz the appointment has been highly successful.

The article also points out that the Danish ombudsman does not possess all the powers of his Swedish counterpart. He does not possess the power to institute proceedings against civil servants. The implication from Dr. Johnson's article, although he does not state it, is that the Swedish ombudsman does possess these powers. The New Zealand Act excludes Ministers from consideration by the ombudsman, but the Danish Act includes them.

I would also point out, Mr. Speaker, that Sweden has a population of 7,500,000 people, Denmark 4,500,000, New Zealand 2,500,000, whilst in Western Australia we have a mere 750,000. These figures are not insignificant when considering the adequacy or inadequacy of Parliament and the Press. At this moment I am not prepared to reject the proposal; but nor am I prepared to accept it. All I can say is that I feel it is premature to make a decision, and I certainly could not accept the motion proposed by the Deputy Leader of the Opposition which, first of all, requires us to accept an ombudsman; and secondly, requires us to say that the Government should introduce legislation during the current session of Parliament.

Finally, if we did accept the principle of an ombudsman, we would then have the problem of finding the man. When I was originally asked to comment on the paper of Sir Harold Barrowclough my co-commentator was to have been Mr F. T. P. Burt, Q.C., but he had to go to Melbourne and Mr. Clarkson deputised for him. Mr. Burt, however, did prepare some notes on the subject, and he very kindly made them available to me. I would like to read to the House his final comment. It is as follows:—

> The case for the ombudsman is self evident.
>
> But, and this is of critical importance, the success of the idea will depend upon the man.
>
> He must be wise, humane, understanding, knowledgeable, diplomatic humble and of the highest integrity.
>
> The wrong man in the position could be a disaster.
>
> Hence, paradoxically, he should be the finest man in the land and have no legal security of tenure in his office.

It is interesting to examine the qualifications of the New Zealand appointee. He is one Lt.-Col. Sir Guy Powles, K.B.E., C.M.G., E.D., and the following are the facts which I have been able to glean concerning him:—

1. At the time of his appointment he was 57 years of age.
2. He graduated in Law at the Victoria University in Wellington.
3. He practised in Wellington as a barrister and solicitor between 1927 and 1940.
4. He served in the New Zealand forces in World War II and commanded an artillery regiment in the Pactific theatre and, in fact, served in the division commanded by the present Chief Justice of New Zealand.
5. At the conclusion of the war he served as a member of the allied mission to Japan and was the New Zealand representative on the Far Eastern Command.
6. Between 1946 and 1948 he was a counsellor at the New Zealand Embassy in Washington.
7. In 1949 and until 1960 he was New Zealand High Commissioner in Western Samoa.
8. In 1960 and 1961 he was New Zealand High Commissioner in India and on the 1st July, 1961, he transferred to Ceylon as New Zealand High Commissioner in that country.
9. He returned to New Zealand in 1962 to take up his present appointment.

He was, in fact, a lawyer who had been out of practice for a considerable time, had held many high offices under the Crown, and had served his country with great distinction. At the time of his appointment he could be said to be extremely mature with a very wide experience in a very wide variety of fields. There is no indication that he was particularly interested in politics in a parliamentary sense, and he had been away from his country for a total period of more than 20 years, and therefore could be said to be divorced from any question of partisan politics. He appears to be a very extraordinary individual, and very exceptional, which Mr. Burt has suggested is needed. Where do we find a similar person?

I would conclude by saying that this subject is a very interesting and absorbing one, and one deserving of very careful thought and examination, but one on which we should reach no hasty conclusion. I must therefore say, even with some reluctance, that I must oppose the motion in its present form, and at the present time. This does not say that on some future occasion, after further examination and research, I would not necessarily come to the conclusion that either an ombudsman is needed here, or some form of tribunal to examine undoubted grievances.

I do commend the Deputy Leader of the Opposition for bringing this matter before Parliament, and I do hope that consideration of this subject will not end with the closing of this debate.

Debate adjourned, on motion by Mr. W. A. Manning.

House adjourned at 11.9 p.m.

Legislative Council

Thursday, the 10th October, 1963

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

SALMON GUMS RESEARCH STATION

Electric Generating Plant

1. The Hon. R. H. C. STUBBS asked the Minister for Mines:
   (1) Is the Salmon Gums Research Station equipped with an electric generating power plant?
   (2) If so, is there sufficient power available to meet the needs of employees at the station?